Statements submitted by the Nizamut Adawlut relative to the administration of Criminal Justice in the regulation dist. Subject to Govt Bengal, during the year 1836

WEST BENGAL SECRETARIAT

XIIIB
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Judicial administration — Criminal Justice — Bengal — Report

1836

1126

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No. 1625.

To R. D. MANGLES, Esq.,

Secretary to the Government of Bengal in the Judicial Department.

SIR,

Nizamut Adawlut.
PRESENT,
R. H. Rattray, W. Braddon, *Judges.* D. C. Smyth, *Tempy. Judge.* J. R. Hutchinson and F. C. Smith, *Offg. Judges.* } Esqrs.

I am directed by the Court of Nizamut Adawlut to request that you will lay before the Right Hon'ble the Governor of Bengal, the Annual Statements agreeably to the annexed list, marked A, connected with the administration of Criminal Justice for the Lower Provinces for the year 1836.

2. In forwarding these Returns to Government, the Court have directed me to observe, that the Annual Report on the state of the Criminal business in the Lower Provinces for the past year, has been prepared in the manner suggested in the 4th Paragraph of your letter of the 2d August last, No. 1361. It has also been drawn out, as nearly as practicable in conformity to the plan of the Civil Report for the year 1835; a Report which the Court had much satisfaction in observing had met with his Lordship's entire approbation.

3. The Court feel satisfied that the mass of information contained in the present Report will furnish his Lordship's Government, with the most conclusive evidence regarding the inefficiency of the present arrangements and the necessity that exists for re-establishing without any further delay an efficient system of Police and of Criminal Justice, calculated to promote the confidence and to ensure the happiness of the people.

4. Previously however to entering on these important matters, the Court beg leave to notice in detail the operations of the past year.

COURT OF NIZAMUT ADAWLUT.

5. The following Extract from my dispatch of the 28th April last No. 1281 will shew the Right Hon'ble the Governor the number of days that the Court of Nizamut Adawlut was closed, and the names of the Judges who transacted the Criminal business, during the year 1836.

"The Court of Sudder Dewanny was closed for 130 days during the past year as noted in the margin. The business of the Court was transacted during the year 1836, by the following Judges:"

Sundays, ...	52
Moburrum, ...	15
Dusserah, ...	35
Other Hindoo and Mahomedan Holidays, ...	28
	130

Mr. Rattray, throughout the year.

Mr. Robertson, from the 13th April to the end of October, when he proceeded on sick leave to the Cape.

Mr. Braddon, throughout the year.

Mr. C. R. Barwell, from the commencement of the year to the beginning of October.

Mr. Barwell was prevented by severe indisposition from attending latterly to business, and died on the 11th November. By his death the Government have been deprived of the services of a very valuable and experienced public officer, and the Court have to deplore the loss of a colleague, in whose judgment and opinions they placed the greatest confidence.

Mr. Halhed, from the commencement of the year to the latter end of October, when he proceeded on sick certificate to the Cape.

Mr. Stockwell, from the commencement of the year to the beginning of August, when he proceeded on the Pension to England.

Mr. W. Money, from the 2d September to the end of the year.

Mr. J. R. Hutchinson, from the 10th December to the end of the year.

Mr. D. C. Smyth, throughout the year.

6. The number of criminal trials, pending, referred, and disposed of, during the year 1836 was as follows :

Pending on 31st December, 1835, ...	18
Referred in 1836, ...	256
	274
Disposed of in 1836, ...	259
Pending on 31st December, 1836, ...	15

7. The number of Criminal trials pending, called for, agreeably to Section V., Regulation IX., 1831, and disposed of during the year 1836, was as follows :

Pending on the 31st December, 1835, ...	8
Called for in 1836, ...	98
	106
Disposed of in 1836, ...	85
Pending on 31st December, 1836, ...	21

8. The number of Miscellaneous Criminal Petitions, pending, filed and disposed of in the year 1836, was as follows :

Pending on 31st December, 1835, ...	33
Filed in 1836, ...	139
	172
Disposed of in 1836, ...	148
Pending on the 31st December, 1836, ...	24

9. Of the Cases called for, under Section V., Regulation IX., 1831, the sentences of the Session Judges were confirmed in 42 Trials, and modified or reversed in 44.

10. Of the Miscellaneous Petitions, 181 were rejected; the Court either having no jurisdiction, or seeing no just grounds for interference; and in 17 Cases the orders passed by the Subordinate Courts were either modified or reversed.

11. The Criminal Trials disposed of by the Court during the year (344 in number) were decided by the following Judges :

Mr. Rattray recorded his opinion in	131	Trials.
Mr. Barwell ditto ditto	27	Ditto.
Mr. Robertson ditto ditto	37	Ditto.
Mr. Braddon ditto ditto	107	Ditto.
Mr. Halhed ditto ditto	74	Ditto.
Mr. Stockwell ditto ditto	45	Ditto.
Mr. Money ditto ditto	30	Ditto.
Mr. Hutchinson ditto ditto	2	Ditto.
Mr. D. C. Smyth ditto ditto	111	Ditto.
	554	

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12. The above Trials included the Cases of 641 prisoners who were sentenced as follows :

1. Death, ...	39
2. Transportation for life, ...	2
3. Imprisonment for life, ...	94
4. Imprisonment exceeding 14 years and less than for life,...	54
5. Imprisonment more than 7 and not exceeding 14 years, ...	49
6. Imprisonment less than 7 years, ...	67
7. Insane, died, proceeding returned, &c., ...	49
8. Fined and discharged, ...	10
9. Imprisonment already undergone considered sufficient, ...	2

10.	Acquitted, ...	... 132
11.	Remaining for trial, ...	... 143
	Grand Total,	... 641

13. The total Criminal business pending in the Court of Nizamut Adawlut on the 31st December, 1836, was as follows:

Trials referred, ...	... 15
Trials called for, ...	... 20
Miscellaneous Petitions, ...	... 24
	59

COURT OF COMMISSIONERS OF CIRCUIT.

11th Division.

14. Mr. Tucker was Commissioner of the 11th Division during the past year, with the exception of one month, when Mr. Morris had charge of the Office, Mr. Tucker having obtained leave of absence.

* Patna.
Shahabad.
Sarun.
Behar.

15. The 11th Division consists of the Districts noted in the margin.* Act VII., 1835 was extended to Patna, Behar, and Shahabad, by the orders of Government under date the 8th of December, 1835, and to Sarun the 8th January, 1836.

Acquitted, ... 1
Convicted, ... 1

16. A special Session was held at Sarun by Mr. Tucker in the month of March; the result of which is noted in the margin.

12th Division

17. Mr. C. Harding was Commissioner of this Division, from the 1st of January to the 1st of February, Mr. H. Nisbet officiated as Commissioner from the 1st of February to the 3d of December, on which date, Mr. Harding resumed charge of his Office and continued to perform the duties up to the 13th of February. The report on the administration of Criminal Justice for this Division, was submitted by the Officiating Commissioner Mr. G. F. Brown.

† Bhaugulpore.
Monghyr.
Purnea.
Tirhoot.

18. Act VII., 1835 was extended to all the Districts† comprising this Division by the orders of Government under date the 31st of January, 1837.

19. No Special Sessions were held by the Commissioner in 1836.

13th Division

20. Mr. Steer was Commissioner of this Division, during the past year. The report on the administration of Criminal Justice was submitted by Mr. Hawkins the Officiating Commissioner.

‡ Dinagepore.
Maldah.
Rungpore
Bugnora.
Rajshahye.
Pubna.

21. Act VII., 1835 was extended to all the Districts‡ comprising this Division by the orders of Government under date 11th of February, 1837.

22. No Special Sessions were held by the Commissioner in 1836.

23. Mr. E. M. Gordon and Mr. H. Walters, officiated as Commissioners of this Division, during the past year. The 14th Division consists of the Districts noted in the margin.*

14th Division.
* Moorshedabad.
Beerbhoom.
Hooghly.
Burdwan.
Bancoora.

24. Act VII., 1835 was extended to Moorshedabad, Beerbhoom and Hooghly, by the orders of Government, under date the 5th of July, 1836, and to Burdwan and Bancoora the 31st of January, 1837.

25. A special Sessions for Burdwan and Bancoora was held by Mr. Walters in September last, the result of which is noted in the margin.

Acquitted, ... "
Convicted, ... 1

26. Mr. Lowis was Commissioner of this Division during the past year, up to the 30th of December, on which date he delivered over charge to Mr. Gordon. The Statements were submitted by Mr. Gordon, without any report on the state of the Criminal business.

15th Division.

27. Act VII., 1835 was extended to all the Districts* of the Division by the orders of Government dated 31st of January, 1837.

* Dacca.
Fureedpore.
Mymensing.
Sylhet.

28. Two Special Sessions for Mymensing were held by Mr. Lowis in the months of March and July last; the result of which is noted in the margin.

Acquitted, ... 1
Referred, ... 1

29. Mr. Dampier was Commissioner of this Division for the past year, the report on the administration of Criminal Justice was submitted by that officer.

16th Division.

30. Act VII., 1835 was extended to all the Districts comprising the Division, by the orders of Government under date the 11th of April, 1837.

Tipperah.
Noacolly and
Chittagong.

31. Four Special Sessions were held by Mr. Dampier during the past year, viz. one for Chittagong in May, one for Chittagong in August, one for Tipperah and Noacolly in September, and one for Chittagong in October: the result is noted in the margin. The Court regret to state that they have had occasion to notice twice to Mr. Dampier, the very great delay with which he submitted his Jail Delivery Statements; a period of two months and a half having elapsed between the conclusion of the Sessions, and the submission of the Statements. Numerous irregularities were also observed in the Statements of the Special Sessions, held by Mr. Dampier for Tipperah and Noacolly.

Chittagong May Sessions.
Acquitted, ... 6
Convicted, ... 4
Chittagong August Sessions.
Acquitted, ... 2
Tippera and Noacolly September Sessions.
Acquitted, ... 15
Convicted, ... 17
Referred, ... 1
Chittagong October Sessions.
Acquitted, ... 1
Convicted, ... 2

32. Mr. Pigou was Commissioner of this Division for the past year. It consists of the Districts noted in the margin.*

18th Division.
* Nuddea.
Jessore.
Backergunge.
24-Pergunnahs.
Baraset.

33. Act VII., 1835 was extended to Nuddea and Backergunge by the orders of Government under date the 29th December, 1835, to Jessore by orders dated 22d March, 1836, and to the 24-Pergunnahs and Baraset by orders dated the 31st January 1837.

34. A Special Sessions was held by Mr. Pigou for Nuddea in the month of July, the result of which is noted in the margin.

Convicted, ... 6

19th Division.
* Midnapore.
Hidgelee.
Cuttack.
Pooree.
Balasore.

35. Mr. Ricketts was Commissioner of this Division for the past year. It consists of the Districts noted in the margin.* No report on the administration of Criminal Justice has been submitted by Mr. Ricketts, for the last three years.

36. Act VII., 1835 has been extended to Midnapore and Hidgelee, by the orders of Government, dated the 31st of January 1837, Cuttack, Pooree, and Balasore having been specially exempted at the suggestion of the Court.

* *Cuttack Special Sessions.*
Convicted, ... 1
Referred, ... 1
Pooree Special Sessions.
Convicted, ... 1

37. Two Special Sessions were held by Mr. Ricketts, during the past year; viz. one for Cuttack and one for Pooree; both held in the month of May; the result is noted in the margin.*

38. The Sessions for Balasore are, by a special arrangement, held by the Commissioner and not by the Session Judge of Cuttack. Sessions were held by Mr. Ricketts at Balasore in the months of April and July, the result has been duly noticed in the remarks recorded on the state of Criminal Justice in Cuttack.

ZILLAH BEHAR.

Magistrate's Court.

39. Mr. H. V. Hathorn was in charge of this District, as Magistrate, from the 1st of January to the 12th of July, Mr. Loughnan from the 12th of July to the 15th of August, Mr. Quintin from the 15th of August to the 14th of October, and Mr. R. Trotter from the 14th of October to the 31st December.

Acquitted, ...		922
Convicted, ...		377
Committed, ...		254
Died, ...		5
Under Trial.		
In Jail, ...	48	123
Bail, ...	75	
		1681
Heinous Offences, ...		255
Apprehended, ...		1024
Acquitted, ...		502
Convicted, ...		194
Petty Offences, ...		209
Apprehended, ...		657
Acquitted, ...		183
Convicted, ...		420

40. At the close of the year 1835, there were 150 perons under trial, viz. 45 in Jail, and 105 on Bail or personal recognizance; 1531 persons were apprehended during the year 1836, making a grand total of 1681; and these were disposed of in the mode noted in the margin.

41. The Statement noted in the margin, shews the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences."

The proportion of acquittals to convictions is by no means satisfactory, and indicates considerable want of discrimination on the part of the Magistrate and also of proper control being exercised over the Mofussil Police. The Court regret to observe, that of 67 persons who were under trial during the year on a charge of "homicide not amounting to murder," 46 were acquitted and discharged, and of 36 persons charged with highway "robbery," 21 were in like manner, acquitted and discharged by the Magistrate, 83 persons were discharged in consequence of Razeenamehs being filed, and 2 from the non-attendance of Prosecutors.

In Jail, ...	48
On Bail, ...	75

42. The number of persons in Jail and on Bail on the 31st December last is noted in the margin.

43. Eighteen cases instituted under Regulation 15, 1824 were pending at the end of the year. Two of these have been laying over for upwards of 6 months, and as the total number pending is considerable, the Magistrate will be requested to adopt the necessary measures for bringing them to an early termination.

44. Thirty-five persons were confined in default of security for good conduct.

45. The number of Appeals preferred from the decisions of the Magistrate in Criminal trials and Miscellaneous cases, is noted in the margin. The proportion of orders modified or reversed in Appeal cannot be considered as satisfactory.

APPEALS

Criminal Trials.

Preferred, ...		66
Confirmed, ...	25	
Modified or revd ..	34	
Pending, ...	7	
		66

Miscellaneous Cases.

Preferred, ...		26
Confirmed, ...	13	
Modified or revd.	13	
		26

46. The Criminal business actually pending in this District on the 31st December last, is noted in the margin. The number of Appeals pending from the decisions of the lower tribunals is large, and the Court will request that measures may be adopted for their early disposal.

Heinous Offences, ...	41
Petty Offences, ...	46
Appeals, ...	78
Progress from other Districts, ...	0
Miscellaneous Cases, ..	65
	230

47. Mr. Cuthbert was Session Judge of this District from the 1st to the 31st of January, Mr. Gouldsbury from the 1st of February to the 16th of May, and Mr. J. C. Brown from the 17th of May to the 31st of December; these three Officers were occupied for 73 days in the duties of the Sessions.

Session Judge's Court.

48. At the close of the year 1835, 11 persons remained under trial in the Sessions Court, 254 persons were committed during the year 1836, making a grand total of 265; and they were disposed of, as noted in the margin.* This result is considered to be satisfactory.

* Acquitted, ...	32
Convicted, ...	161
Referred, ...	33
Under Trial, ...	39
	265

49. No trials were called for at the English sittings.

50. Four Appeals were preferred from the orders of the Session Judge: in two instances the orders were confirmed, and in two modified or reversed.

51. Sixteen persons were under reference to this Court at the close of the year 1835; the number referred in 1836 was 33, making a grand total of 49; and they were disposed of as noted in the margin.*

Nizamut Adawlut.

* Acquitted, ...	6
Convicted, ...	25
Died, ...	1
Under Trial, ...	17
	49

52. The following is an abstract of the sentences passed on the prisoners convicted in the District of Behar during the year 1836.

BY THE NIZAMUT ADAWLUT.

Death, ...	3
Imprisonment for life, ...	10
Imprisonment for 14 years, ...	2
Above 3 and not exceeding 7 years, ...	8
More than 1 and not exceeding 3 years, ...	1
Less than 1, ...	1
Total..	25

By the Session Judge more than 7 and not exceeding 14 years,	22
More than 3 and not exceeding 7 years, ...	67
More than 1 and not exceeding 3 years, ...	61
Less than one year, ...	7
Fined, ...	4
Total ...	161

By the Magistrate and Assistants 6 months and not exceeding 3 years, ...	153
Less than 6 months, ...	91
Fined, ...	132
Security required, ...	1
Total ...	377

General Remarks.

53. The state of Criminal Justice in Behar is not considered to be satisfactory, and the Court deem it their duty to urge that the offices of Magistrate and Collector be immediately separated. On this subject the late Magistrate, Mr. Hathorn, in his letter to the address of the Commissioner dated the 14th of May last, observes as follows: " From the experience of two years and a half, I have " no hesitation in declaring my opinion that the union of the offices of Collector " and Magistrate is alike prejudicial to the interest of the Government and the " people."

" In a large District like Behar, where there is the greatest difficulty in " collecting the Revenue, the constant and undivided attention of the Revenue " Officer is demanded ; and if he be distracted by other equally important duties " committed to his charge, the interest of Government in that Department, must " necessarily suffer."

" On the other hand, where the offices are united the principal part of the " Criminal Department generally devolves upon the Joint Magistrate, but being " stripped of any authority in the management and controul over the Police, and " they observing that he possesses no direct power over them, he finds that his " orders are but tamely executed ; and should it happen that he represents to the " Magistrate the misconduct of a Police Officer, and the Magistrate conceives " there is not sufficient proof to warrant the infliction of punishment, an appear- " ance of disunion and clashing of authority follows, than which, when it occurs, " nothing is more to be lamented."

" Feeling assured that the interests of Government and the community at " large, have suffered and will continue to suffer so long as the offices of Magis- " trate and Collector are united, I beg to urge most strongly the propriety of an " immediate separation."

54. In proof of the necessity of separating the duties in this District, the Court deem it proper to annex the following extract of a Minute recorded by Mr. Robertson on the 12th of July 1836, in the case noted in the margin,* remarking on the conduct of the Magistrate, and his subordinate Officers in this most atrocious case of murder; together with an extract of Mr. Hathorn's explanation on the subject, which altho' it fully absolves the individual Magistrate from all blame, furnishes a most marked instance of the injurious effects of combining the offices of Magistrate and Collector, and ought therefore to be brought to the immediate notice of Government.

* Rogoonath Sookul, vs. Kerpa Dosaud and 4 others charged with the wilful murder of Bickram Sookul.

Extract from Mr. Robertson's Minute.

" I grieve to state that to my mind these papers exhibit throughout a lament-
" able want of vigour and precision on the part of every functionary through whose
" hands they have passed."

" The murder was committed on the 18th of July 1834; on the 21st of that
" month the Darogah arrived on the spot, and commenced his enquiries and on
" the 29th sends in his report, with five of the prisoners named in the depositions
" of the witnesses, as having taken part in the murder, but without any distinct
" intimation of his having taken any effectual steps for the seizure of Nunkoo
" Atwa and Bechoo, the individuals mentioned in the depositions taken before
" himself as having been the most active agents in the perpetration of the crime.
" On this report a mere customary order is passed by the Magistrate, and nothing
" is done to infuse energy into the Police or to set any other engines in motion to
" effect the arrest of those who had escaped."

" It is worthy of remark, that even at this stage of the enquiry, it appears that
" Dundpan's name is mentioned as connected with the murder, tho' in a vague
" manner, as if it had been only one of a number loosely introduced into the
" examination of Kirpa, a Chokeedar, and himself one of the accused."

" After this, nothing was done till the 20th of August, when the prosecutor
" gave in a petition to the Magistrate accusing Ridnath and Dundpan of being
" the principals in the murder, and stating that the Darogah had been remiss in
" his exertions to detect or seize the real perpetrators of the murder of his father.
" The deposition of the prosecutor was immediately taken, but not a question
" was asked as to the reason of the names of Ridnath and Dundpan not ap-
" pearing in his Deposition taken at the Thana: nothing further was done
" till 27th of August, when the prisoners who had been arrested, were com-
" mitted for trial, and orders were issued for the seizure of those who were
" still at large. On the 31st of October a return was received from the
" Police, stating that the accused persons were not to be found, and on this the
" attachment of their property was ordered. On the 6th of December 1834, the
" Prosecutor gave in another petition charging the Police with collusion with the
" persons accused of the murder of his father, but nothing was in consequence
" done, and the whole case seems to have been fairly laid to rest, until by the
" orders issued from this Court on the 27th of April 1835, a little energy was
" infused into the local authorities, and on the 2nd of June 1835, the Nazir

"reported that Dundpan had on the preceding day been arrested at Kodagunge, "about 15 coss from Bykuntpore, his usual place of residence; nothing further "was done in the case till the 14th of July, when a Roobucarry was written in "which it is recorded that on the 5th of February, the Prisoner Ridnath had been "seized, having been left unnoticed among the prisoners under examination in "Jail. In a scrap of paper bearing date the 5th of February, purporting to be "a report from the Nazir, it is mentioned that the prosecutor had brought a man "to that officer, stating that he was the Ridnath for whose apprehension orders "were out and that the person so seized confessed that he was that Ridnath, and "said that he was coming to give himself up, when the prosecutor had seized and "dragged him before the Nazir, no inquiry was instituted with a view to dis-"covering and recording the circumstances of this singular arrest, which might "apparently have escaped the notice of the Magistrate altogether, if his atten-"tion had not been drawn to the case by the subsequent seizure of Dundpan by "the officers of the Nazir or of the local Police."

Extract from Mr Hathorn's letter dated the 20th of September 1836

55. "I have to regret extremely, that Mr. Robertson should have had occa-"sion to comment upon the want of vigour and precision betrayed in the general "management of this case, being aware, that altho' I had not the entire manage-"ment of the case, still as Magistrate of the District, I am held responsible for "any laxity which may have been evinced by my subordinates."

"Not having the case before me, I am precluded from furnishing any detailed "explanation of the tardiness complained of, in bringing the accused to justice; "I will state however, to the best of my recollection, the combined circumstances "which occasioned the delay."

"The murder was committed as stated (in Mr. Robertson's Minute) on the "18th July 1831, and the five prisoners Kirpa and others, were apprehended and "the case chellaned on the 29th idem. Here I may remark that the distance "from Bykuntpore Pergunnah Bheempore (situated on the banks of the river "Ganges) must be fully 60 miles from the Sudder Station. It is true that these "five prisoners were not tried and committed until the 27th August following, when "an order was issued for the apprehension of those at large, the delay so far is "perhaps sufficiently accounted for, when the Court are informed that at that "period the whole duties of the Magistrate's and Collector's offices devolved upon "me, without even the aid of a Deputy."

"It is stated that no return from Halsa Thannah was made until 31st "October following, when the Darogah reported that the accused persons at "large were not to be found. Here again I may perhaps be deemed exculpated, "by stating that I was upon leave of absence in all October. On my return to "Gya, in November, I found that the only officer capable of giving me any assis-"tance in conducting the heavy duties of both offices, (Mr. Houlton vested with "special powers) had been intermediately removed to another department of the "service.* I ventured to protest against such an arrangement, and urged that "officer's retention, but Mr. Commissioner Cuthbert overruled my objections

* He was directed to assume charge of the Khas Mehals.

" deeming the orders of the Revenue Board directing Mr. Houlton to assume " charge of the Khas Mehals, to be imperative, and I was thus left till January " 1835, struggling against the heavy arrears of business in both departments, " which had been increased by the inundation of September, which of itself put " a stop to business for some weeks."

" On the 1st January 1835, His Lordship in Council was pleased at my sug- " gestions, backed by the recommendation of Messrs. Commissioner Smith and " Cuthbert respectively that the out station at Serghatty should be abolished, and " the services of the Deputy Collector and Joint Magistrate made available at " the Head Station ; accordingly from the 1st January 1835, Mr. Officiating Joint " Magistrate Ogilvy relieved me of the greater part of the Magistrate's duty, and " I am not aware what further measures were adopted by that officer for the appre- " hension of the remaining persons, but on the apprehension of the prisoners " Fakeera and Ridnath, which I think occurred in February 1835, their trial I per- " fectly recollected was unavoidably postponed in consequence of the Misl having " been sent down to the Sudder Nizamut Adawlut for the final orders of the " Superior Court, on the conviction of Kirpa and others by the Session " Judge."

" On receipt of the Court's orders dated 27th April 1835 for the immedi- " ate apprehension of Ridnath and Dundpan, regarding them as principals, I " planned a scheme in concert with the Nazir and Burkundazes for the apprehen- " sion of Dundpan without the aid or knowledge of the Thannah Police of Halsa, " (whose neglect or collusion in the case had been observable) and which was " eventually successful, upon which the Misl was sent for from the Sudder Niza- " mut Adawlut, and Ridnath and Dundpan brought to trial and committed as prin- " cipals. This occurred in July or August 1835, and from the proceedings of the " Nizamut Adawlut now before me, it would appear that the case was brought " before the Superior Court on the 28th July 1836, when the prisoners Ridnath " and Dundpan where sentenced capitally and the remaining 6 prisoners to impri- " sonment for life."

Fakeera was previously committed by the Joint Magistrate and died in Jail

" I have thus attempted to shew that peculiar circumstances beyond my " control occurred from July 1834 to the end of that year, which occasioned an " unavoidable laxity of administration in Behar in the Magisterial Department."

56. On the trial of Guddownee Dosaudh and others, also charged with murder, the Court (present Mr. D. C. Smyth) had occasion to record and issue the following orders to the Session Judge. " You will also observe to the Officiating " Magistrate that the Court have noticed with much dissatisfaction the dilatory " and neglectful conduct of the Police on this occasion, although the transaction " took place on the 21st December, and was reported the next day to the Burkun- " daze of the nearest Chowkee, and reported by that officer to the Police Darogah " on the same date, representing at the same time the necessity for the Darogah's " proceeding immediately to the spot, the Darogah did not depute the Jemadar " of the Thannah until the 24th ; the Jemadar then attempted to take the depo-

" sition of the wounded man, Nuzzur Alli, on the 25th, in which he was unsuc-
" cessful, the man being too ill to speak and he subsequently died on the 26th."

" Independent of the above circumstances, it appears that no report what-
" ever of the matter was made to the Officiating Magistrate by the Darogah
" before the 26th, though the occurrence took place on the 21st and the report did
" not reach his office until the 28th, when it was accompanied by the body of the
" deceased; which, as the man died on the 28th, must have been in a partial state
" of putrefaction."

57. In revising the trials submitted by the Session Judge for this District, the Court had to notice several irregularities both in the proceedings of the Magistrates and of the Session Judges. The Monthly Jail Delivery Statements were also drawn up and submitted by Mr. Brown, in a very careless and irregular manner. In the Statements for August and September, Mr. Brown omitted in many cases to submit a single explanatory remark, and in others the observations were quite insufficient to enable the Court to form any opinion as to the adequacy or otherwise of the proof and punishment.

58. It being absolutely necessary in order to enable this Court to exercise a proper control over the sentences passed by the Session Judges that clear and detailed reports should be submitted in each case, the Court did not fail to express to Mr. Brown their dissatisfaction at his having neglected to perform this very important part of his duty and to communicate to him their expectation that they might not again have occasion to notice similar irregularities in the preparation of these Documents.

59. The Statements for this District were submitted by the Session Judge, Mr. J. C. Brown, with a letter dated the 9th instant (May) of which the following is a copy: " Herewith I have the honor to forward the Annual Criminal State-
" ments for 1836, and regret exceedingly they should have been detained so long.

" I kept them, in the hope of being able to submit the report required on the
" administration of Criminal Justice in this District, but indisposition, added to
" want of leisure, owing to the heavy current duties in the Civil Court and the
" numerous Trials in the Session Court, have prevented my being able to give
" the subject the attention I wished to have devoted to it.

" I trust the Court will pardon the delay, and I shall endeavour to avoid
" similar detention of the Statements in future, by submitting them without any
" loss of time and forwarding any report which may be called for, subsequently
" as soon as it is ready."

60. The Court do not deem this explanation to be by any means sufficient or satisfactory; and they must insist on the Criminal Statements being submitted by the Session Judge, Mr. Brown, with much greater punctuality, the Magistrate appears to have forwarded his Statements to the Session Judge on the 15th of

February, and the Court therefore cannot exonerate Mr. Brown from very great neglect of duty, in having omitted to forward them before the 9th of May, more particularly as his attention had been called to the subject four several times by letters from the Register as noted in the margin.*

* 8th February ..No. 337
29th March ..... „ 862
14th April..... „ 1196
3rd May ..... „ 1229

61. The Session Judge will be again requested to furnish the information called for in the 4th paragraph of the Circular Order of the 9th October last, and to explain why he has omitted to do so.

PATNA.

Magistrate's Court.

62. Mr. J. C. Dick officiated as Magistrate of this District from the 1st to the 9th of January, Mr. R. M. Farquharson from the 9th of January to the 19th of February, Mr. W. R., Jennings from the 19th of February to the 19th of November, on which date Mr. R. M. Farquharson again received charge of the Magistracy from Mr. W. R. Jennings and continued to officiate until the end of the year.

63. At the close of the year 1835, there were 66 persons under trial, viz. 20 in Jail and 46 on Bail or personal recognizance, 2396 persons were apprehended or summoned during the year 1836, making a grand total of 2462,—these persons were disposed of in the mode noted in the margin.*

* Acquitted, ... 1392
Convicted, ... 862
Committed, ... 111
Died, ... 1
Escaped,..... ... 1
Sent to other Districts, 3
Under Trial
Jail..... ..... 26 } 92
Bail .... 66 }
2462

64. The Statements noted in the margin* exhibit the number of persons, that have been apprehended, acquitted and convicted by the Magistrate and his Assistants in "Heinous" as well as in "Petty Offences." The number of acquittals bears a very large proportion to the number of convictions, particularly as relates to persons apprehended on petty offences, and evinces much want of judgment on the part of the several Magistrates who have been in charge of this city during the past year. Of 704 persons convicted of petty offences no less than 646 have been punished for the three descriptions of offences,noted in the margin.† In like manner of the 1225 persons acquitted 1130 were charged with the very same offences as is more particularly stated in the margin.‡ These Statements evince that the Magistrates could have paid little or no attention to Clause 6, Section 2, Regulation III. 1812, and to the several Circular Orders that have been issued on this subject as are more particularly noticed in the margin.§ Ninety-four persons were discharged in consequence of Razeenamehs being filed and 9 on account of the non-attendance of Prosecutors.

* Heinous Offences, .. 798

Apprehended, ... 433
Acquitted, ... 67
Convicted, ... 158

Petty Offences, ... 995

Apprehended,.. ..... 2 29
Acquitted, ... 1225
Convicted, ... 704

† Assaults, ... 179
Abusing & quarrelling, 230
Neglect of duty, ... 237
646

‡ Assaults, ... 381
Abusing & quarrelling, 603
Neglect of duty, ... 146
1130

§ 14th January, 1820.
21st November, 1823.
3rd October, 1827.
3rd April, 1829
4th August, 1829.
3rd December, 1830.

65. With regard to heinous offences the Court remark that the Officiating Magistrate Mr. Farquharson states that out of 749 cases of Burglary, attempts of Burglary and Thefts committed in the City of Patna only 140 were investigated and enquired into by the Police under the provisions of Regulation II. of 1832,

so that 609 cases of this nature were passed over without any notice or enquiry whatever.

* In Jail, ... 26
On Bail, ... 66

66. The number of persons in jail or on bail on the 31st December last is noted in the margin* and requires no remark.

67. Nine cases were pending in this District under Regulation XV. of 1824.

68. Nineteen persons were confined in this District in default of security for good conduct at the close of the year.

APPEALS.

Criminal Trials.

*Preferred, ... 93
Confirmed, ... 52
Modified or reversed, 33
Pending, ... 8
— 93

Miscellaneous Cases

Preferred, ... 25
Confirmed, ... 9
Modified or reversed, 15
Pending, ... 1
— 25

69. The number of Appeals preferred from the decisions of the Magistrate in Criminal trials, and also in Miscellaneous cases and the result thereof is noted in the margin.* The orders in cases of a Miscellaneous nature that have been modified or reversed are very numerous.

* Heinous offences,.... 37
Petty offences, ... 169
Appeals, ... 22
Proceedings from other Districts, ... } 20
Miscellaneous Cases, .. 44
— 292

70. The Criminal business actually pending in this District on the 31st December last is noted in the margin.* The number of Appeals pending is considered by the Court to be large, and the attention of the Magistrate will be directed to this subject.

SESSION JUDGE'S COURT.

71. Mr. Morris was Session Judge of the City of Patna during the past year and was occupied for 73 days in the Sessions Court.

* Acquitted, ... 23
Convicted, ... 85
Referred, ... 13
Pending, ... 3
— 124

72. At the close of the year 1835, there were sixteen prisoners under trial, 111 prisoners were committed during the year 1836, making a grand total of 124, —these persons were disposed of in the mode noted in the margin.* Some of the commitments made by the late Mr. Jennings, seem from the remarks recorded by the Session Judge to have been very injudicious; the general result however of the commitments is considered to be satisfactory.

73. The number of trials revised at the English sittings under Section 5, Regulation IX. 1831, was 3; in one case the sentence passed by the Session Judge was annulled, and in two others the sentences passed being considered by the Court too severe were mitigated.

* Appeals preferred, .. 6
Confirmed, ... 3
Reversed, ... 1
Pending, ... 2
— 6

74. The number of Appeals preferred from the orders of the Session Judge and the result thereof is noted in the margin,* and requires no particular remark.

COURT OF NIZAMUT ADAWLUT.

* Acquitted, ... 2
Convicted, ... 15
Pending, ... 1

75. Five prisoners were under reference from the City of Patna to this Court at the close of the year 1835; 13 were referred in 1836, making a grand total of 18, and they were disposed of as noted in the margin.*

76. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1836:

By the Nizamut Adawlut.

Deaths, ...	2
Imprisonment for life, ...	3
14 years, ...	1
7 years, ...	4
1 year and not exceeding 3, ...	4
Less than one, ...	1
Total ...	15

By the Session Judge.

Above 7 and not exceeding 14 years, ...	2
Above 3 and not exceeding 7 years, ...	25
Above 1 and not exceeding 3 years, ...	51
Less than one, ...	5
Total...	83

By the Magistrate and his Assistants.

6 months and not exceeding 3 years,...	160
Less than 6 months, ...	153
Fined, ...	457
Dismissed from office, ...	64
Flogged being convicts, ...	4
Security required, ...	24
Total...	862

GENERAL REMARKS.

77. The state of the Criminal business in the City of Patna is by no means satisfactory. Numerous cases of burglary and theft appear to have been allowed to take place unnoticed, and serious inconvenience must have been experienced from the very indiscriminate way in which persons have been summoned or apprehended to answer to the most frivolous charges. The Court however are not surprised at this state of things, seeing that no less than five officers have successively held the situation of Magistrate during the past year, and that the charge of the Magistracy of this large City was during the great portion of that period, in the hands of an officer, now no more, a gentleman who had had no experience whatever in the Criminal department, having been generally employed previously, in the Customs and Revenue Branch of the service.

78. The Session Judge Mr. George Morris conducted his duties to the entire satisfaction of the Court, and his letters of reference submitting Criminal trials and his monthly jail delivery statements were submitted with great regularity.

SARUN.

Magistrate's Court.

79. Mr. H. B. Brownlow, Mr. Luke and Mr. Valpy were severally in charge of the Magistracy of this District during the past year, for the periods noted in the margin.*

* Mr. Brownlow from 1st January to the 9th April, Mr. Luke from 10th April to the 26th December, and Mr Valpy to the end of the year.

80. At the close of the year 1835, there were 41 persons under trial; viz. 17 in jail and 24 on bail or personal recognizance, 2732 persons were apprehended or summoned during the year 1836, making a grand total of 2773. These persons were disposed of in the mode noted in the margin.*

* Acquitted,		1484
Convicted,		1022
Committed,		134
Died,		7
Escaped,		2
Under Trial.		
Jail,	52	125
Bail,	73	
		2773

81. The statements noted in the margin* exhibit the number of persons apprehended, acquitted and convicted by the Magistrate and his Assistants in all offences. The general result is considered very unsatisfactory; and a careful examination of the statements leads the Court to apprehend that the Criminal business in this District is in a very bad state.

* Heinous offences,	373
Apprehended,	1378
Acquitted,	715
Convicted,	467
Petty offences,	748
Apprehended,	1395
Acquitted,	769
Convicted,	555

82. The Court observe that no less than 686 persons were acquitted after having been apprehended and charged with the offences noted in the margin;* a statement which they consider by no means creditable to the Magistrate or his subordinate officers. Three hundred and twenty-three persons were punished for neglect of duty and disobeying orders; 46 persons were discharged in consequence of Razeenamehs being filed; and six from the non-attendance of Prosecutors.

* Homicide,	54
Burglaries,	87
Thefts,	204
Riots and affrays,	244
Neglect of duty	97
	686

83. The number of persons in jail or on bail on the 31st of December last, is noted in the margin.* The Magistrate remarks that "the excess of two persons beyond the prescribed number, remaining in the Hajut Tuzvees at the "close of the month is owing to the Prosecutor in a case of murder, in which "two persons were implicated, having absented himself from the Court without "the sanction of the Magistrate, and in consequence the case was postponed."

* In Jail,	52
On Bail,	73

84. No cases were pending under Regulation XV. of 1824.

85. Seventy-six persons were confined in default of security for good conduct at the close of the year. The number is very large and requires explanation, which the Magistrate will be directed to furnish through the Session Judge.

86. The number of Appeals preferred from the decisions of the Magistrate and Joint Magistrate in Criminal trials, and also in Miscellaneous cases, and the result thereof is noted in the margin.* The orders modified or reversed in cases

* *Criminal Trials*		
Preferred,		183
Confirmed,	129	
Modified or revd.,	39	
Pending,	15	
		183
Miscellaneous Cases		
Preferred,		123
Confirmed,	49	
Modified or revd.,	64	
Pending,	10	
		123

of a Miscellaneous nature are considered by the Court to be numerous, and the number of Appeals preferred is very large.

87. The Criminal business actually pending in this District on the 31st December last is noted in the margin.*

* Heinous offences, ...	14
Petty offences, ...	56
Appeals, ...	10
Progs. from other districts, ...	44
Miscellaneous cases,..	216
	340

SESSION JUDGE'S COURT.

88. Mr. Davidson was Session Judge of the District for the past year, and he was employed 46 days in the duties of the Sessions.

89. At the close of the year 1835, there were 12 persons under trial in the Sessions Court, and 133 prisoners were committed during the year 1836; making a grand total of 145: and these prisoners were disposed of in the mode noted in the margin.* The number of prisoners under trial at the end of the year precludes the Court from forming any decisive opinion regarding the general manner in which the commitments were made. The acquittals that have already taken place bear however a very high proportion to the convictions; and an examination of the Monthly Jail Delivery Statements shew that about 20 or 22 persons were committed on very insufficient grounds.

* Acquitted, ...	33
Convicted, ...	44
Referred, ...	14
Pending, ...	54
	145

90. No trials appear to have been called for at the English sittings during the past year.

91. Three Appeals were preferred from the orders of the Session Judge and they were disposed of in the mode noted in the margin.*

* Confirmed, ...	1
Modified or reversed,..	2

COURT OF NIZAMUT ADAWLUT.

92. Twenty-four prisoners were under reference from Sarun to this Court at the close of the year 1835. The number referred in 1836 was 10, making a grand total of 34; and they were disposed of as noted in the margin.*

* Acquitted, ...	12
Convicted, ...	22
	34

93. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1836:

By the Nizamut Adawlut.

Death, ...	3
Imprisonment for life, ...	6
More than 7 and not exceeding 14 years, ...	4
More than 3 and not exceeding 7 years, ...	7
More than 1 and not exceeding 3 years, ...	1
Less than one, ...	1
Total	22

By the Session Judge.

More than 7 and not exceeding 14 years, ...	1
More than 3 and not exceeding 7 years, ...	21
More than 1 and not exceeding 3 years, ...	21
Less than one, ...	1
Total	44

By the Magistrate and his Assistant.

Six months and not exceeding 3 years, ...	165
Less than 6 months, ...	467
Fined, ...	166
Security required, ...	124
Total	1022

GENERAL REMARKS.

94. The state of the Criminal business in this District cannot, the Court regret to observe, be deemed at all satisfactory. The disproportion in convictions and acquittals of persons apprehended for heinous offences indicate want of discrimination on the part of the Magistrate and also of proper control over the Mofussil Police. The numerous instances moreover in which prisoners have been committed for trial and acquitted in consequence of the deficiency of evidence, evinces that the commitments were made without proper judgment.

95. The Court observe, that a prisoner committed under a charge of murder by Thuggee, by Captain Ramsay on the 8th of August last, still remained under trial on the 31st of December.

96. Very great delay appears also to have taken place in forwarding commitments to the Session Judge. Cases that had been committed by the Officiating Magistrate, on the 31st of August, 28th of October, 2d of November, 5th and 12th of December, had not been transmitted to the Sessions Court, up to the 20th of December, the date on which Mr. Davidson delivered over charge to Mr. Astell the Assistant. The Court will request the Session Judge to impress on the mind of the Magistrate, the importance they attach to all cases being tried as soon as practicable after the commitment has been made, and that he will further intimate to that officer the expectation of the Court that similar delay may not occur in future.

97. The necessity of vesting the Session Judges with the power of controlling the proceedings of the Magistrates, in cases in which the conduct of the Ministerial or Police officers of the District may be immediately brought to the

notice of the former officers in the Sessions Court, is exemplified by the details of the following case, taken from the Monthly Jail Delivery Statement of August last. In fact the present system, by occasioning these constant references from the Session Judge to the Commissioner and again from the Commissioner to the Magistrate, creates great delay in the transaction of public business, and is productive of no advantage whatever.—Extract from the explanation and remarks submitted by the Session Judge in the case of Jugroo Misser charged with murder.

"The Officiating Magistrate distrusting this mass of evidence in favor "of the prisoner Ramsurun Chowbey, and on the single declaration of Sheunerain "Misser given nearly a month subsequent to the murder, suspended the Mohurer "from office and instructed the Darogah to reinvestigate the case; this the "Darogah did, and three witnesses, two of them relations of Sheunerain Misser, "were sent in to prove, by testimony withheld for months, Ramsurun Chowbey "an accessary to the murder, and all the former witnesses perjured. On "the evidence of these three men, the Officiating Magistrate sentenced the Mohurer "and the village Chokeedar, each to six months' imprisonment, and committed "Ramsurun Chowbey as an accessary, an aider and abetting in the murder.

"The Futwa of the Law Officer convicted Jhuggooroo Misser of culpable "homicide and acquitted Ramsurun Chowbey; in concurrence with this finding "Jhuggooroo Misser has been sentenced to five years' imprisonment with labor in "irons and Ramsurun Chowbey has been released.

"In my judgment the evidence against Ramsurun Chowbey was utterly un-"worthy of belief, consisting as it did merely of the depositions of relatives of "the deceased, who had withheld their testimony for months, and under this im-"pression I consider the sentences passed on the Mohurer and Chokeedar incor-"rect. The Thannah depositions of Sheunerain Misser and his nephew were sa-"tisfactorily verified by the subscribing witnesses, the witnesses produced in the "first instance by Sheunerain disproved his accusations against Ramsurun "Chowbey and lastly there was no motive which could have induced Ramsurun "Chowbey to interfere in a quarrel between the prisoner Jhuggooroo and his rela-"tion Bhubeechurn Misser, while there is every reason to believe that the crime "laid against Ramsurun Chowbey was an after thought of Sheunerain Misser to "get rid of a troublesome person with whom he was disputing the right to a "piece of land."

98. The proceedings of the Magistrate in the case of the Thannah Mohurer and village Chokeedar appearing to the Court to be exceedingly harsh and irregular, orders were issued to the Session Judge to call for and revise the proceedings, and to modify the sentence in such manner as might be deemed proper. Mr. Davidson accordingly sent for the Magistrate's proceedings and the sentence having been reversed, the Mohurer and Chokeedar were released from imprisonment. The Session Judge however was obliged to submit the case for the further consideration of the Commissioner of the Division, and it

was not until instructions had been received from that Officer that the Mohurer was reinstated in his office.

99. The following details of an affray arising from a case of Lakeraj resumption, appears worthy of being brought to the notice of Government, as the Officiating Session Judge reports these affrays have become lamentably frequent in this District:

"A small patch of Lakeraj Land having been resumed in a village named "Kewannee, an Ameen named Izzutallee was deputed by the native Deputy Col-"lector to measure it. Boundary disputes had previously existed between the "proprietors of Kewannee and those of the adjoining Mouzah Pajee and so soon "as the Ameen attempted to measure the Pajee Malicks interfered, and ordered "him off. The Ameen immediately took fright and ran off, but before the people "who accompanied him could get away they were violently assailed and, in the "affray which ensued, one man was so severely beaten that he afterwards died in "hospital, and three others were badly wounded.

"The affray was entirely the result of the illegal and outrageous conduct of "Thakoor Suhoye, who proceeded to the spot on horseback and instigated their "defendants to this serious and fatal breach of the peace. As there was not the "shadow of an excuse for the proprietor's conduct, and as similar affrays have "become lamentably frequent in the District, I considered an example abso-"lutely required and consequently passed a severe sentence on the Zemindars."

100. The Court have much satisfaction in remarking the very clear manner in which the Monthly Jail Delivery Statements and letters of reference accompanying the criminal trials, were submitted by the Officiating Session Judge, Mr. Davidson.

SHAHABAD.

Magistrate's Court.

101. Mr. T. Sandys officiated as Magistrate of this District, from the commencement of the year to the 26th October, Mr. T. Taylor assumed charge on the 27th October, and continued in charge of the Magistracy until the end of the year.

102. At the close of the year 1835, there were 189 persons under trial, viz. 45 in jail and 124 on bail, or personal recognizances; 1626 persons were apprehended or summoned during the year 1836, making a grand total of 1795. These persons were disposed of in the mode indicated in the margin.* With reference to the large number of acquittals, Mr. Hawkins, the Officiating Session Judge, records the following remarks: "The number of acquittals exhibited in "the above Statement is very large in proportion to the number of convictions, "being nearly two to one, it gives a return of upwards of 1000 persons apprehended,

* Acquitted, ...		1012
Convicted, ...		584
Committed, ...		112
Died, ...		8
Still in Jail,....	45	79
And on Bail, ..	34	
		1795

"among whom it is to be feared there were innocent persons, as well as those who "were set at liberty merely in consequence of legal proof being wanting to the "establishment of charges against them. I am afraid this is greatly attributable "to the injudicious mode adapted by Mr. Sandys of sending for all the parties "connected with a case, merely on a Darogah's report without holding any inquiry "in the first instance, as to the correctness or otherwise of the charge."

* Heinous offences, ..	275
Apprehended, ...	773
Convicted, ...	164
Acquitted, ...	560
Petty Offences, ...	501
Apprehended, ...	1063
Convicted, ...	420
Acquitted, ...	610
† Discharged by Razeenamehs, ...	151
Ditto by non attendance of Prosecutors, ...	112
	263
* In Jail, ...	45
On Bail, ...	34
	79

103. The Statement given in the margin* entirely corroborates Mr. Hawkins's remarks and the Court therefore consider the state of this District to be unsatisfactory and cannot be considered creditable to the late Officiating Magistrate Mr. Sandys. Of the "convicted and sentenced" in the detail of petty offences, 144 are Police officers or Chokeedars, who have been punished for neglect of duty; of the persons acquitted 151 were discharged in consequence of Razeenamehs† being filed, and 112 owing to the non-attendance of Prosecutors.

104. The number of persons in jail or on bail, on the 31st December last, is noted in the margin* and requires no particular remark.

105. Nine cases were pending under the rules of Regulation XV., 1824; one has been under trial ever since the 18th February, 1836; the Magistrate observes, that through the multiplicity of business he has been as yet unable to dispose of it.

106. There is only one person confined in this District in default of security for good conduct.

* APPEALS. *Criminal Trials.*	
Preferred, ...	125
Confirmed, ... 85	
Modified or revd... 40	
	125
† *Miscellaneous.*	
Preferred, ...	30
Confirmed, ... 16	
Modified or revd .. 13	
Transferred, ... 1	
	30
* Heinous Offences, ..	18
Petty Offences, ...	7
Appeals, ...	18
Proceedings from other Districts, ..	9
Miscellaneous cases, ..	73
	125

107. The number of Appeals preferred from the decisions of the Magistrate in Criminal Trials, and the result thereof, is given in the margin;* similar information from orders passed by the Magistrate in cases of a Miscellaneous nature is also noted in the margin.† The number of convictions and orders confirmed appear to the Court to be satisfactory.

108. The Criminal business actually pending in this District, on the 31st December last is noted in the margin,* and as Mr. Hawkins states that a system different from that pursued by Mr. Sandys has been adopted by Mr. Taylor, the present Magistrate, the Court trust that material improvement will take place in the course of the next few months, in this District.

109. The average period that each prisoner convicted by the Magistrate was under trial appears to have been 1 month and 16 days; as Mr. Hawkins justly observes, this shews any thing, but a proper dispatch in the investigation of cases. The Court are glad to observe however, that the cases that have been sent in after Mr. Taylor took charge have been very "expeditiously decided," and they trust that he will continue to direct his best attention to this most important subject.

SESSION JUDGE'S COURT.

110. Mr. Hawkins assumed charge of the office of Session Judge on the 23rd March; no Sessions were held in January, February, or March in conse-

* Sessions,	44 days
Appeals,	16 days
	60 days

quence of there being no Session Judge at the Station. The time occupied in Criminal duties by Mr. Hawkins during the year is noted in the margin.*

* Acquitted,	36
Convicted,	43
Referred,	27
Still under trial,	9
	115

111. At the close of the year 1835, there were three persons under trial, 112 persons were committed during the year 1836, making a grand total of 115; these persons were disposed of in the mode indicated in the margin,* the number of acquittals does not evince that proper discretion was exercised by Mr. Sandys in making the commitments, indeed some of the commitments appear by the Monthly Jail Delivery Statements to have been made on very insufficient grounds and in two or three instances the Court had occasion to point out to Mr. Sandys, irregularities of a graver nature.

112. The number of trials called for at the English Sittings under Section V., Regulation IX., 1831, was only one, and the sentence of the Session Judge was confirmed.

* Confirmed,	2
Modified or reversed,	0
	2

113. The number of Appeals preferred from the orders of the Session Judge was 2 and they were disposed of as noted in the margin.*

114. The average period that each prisoner committed to the Sessions remained in Jail, under investigation before commitment was 2 months and 19 days. Mr. Hawkins states, that he has made it an invariable rule to take up a case the very day the Magistrate sends up the calendar, and reports that it is ready for trial.

NIZAMUT ADAWLUT.

* Referred,	27	
Called for,	1	28
Acquitted,	9	
Convicted,	19	
		28

115. No prisoners were under reference from Shahabad to this Court at the close of the year 1835, the number referred in 1836 was 27, and they were disposed of as noted in the margin.*

116. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1836:

By the Nizamut Adawlut.

Death, ...	1
Imprisonment for life, ...	1
Above 7 and not exceeding 14 years, ...	4
Above 1 and not exceeding 7 years, ...	11
Fined, ...	2
	19

By the Session Judge.

Above 3 and not exceeding 7 years, ...	24
Less than 1 and not exceeding 3 years, ...	19
	43

By the Magistrate and his Assistants.

One year and not exceeding 3 years, ...	84
Less than 1 year, ...	253
Fined, ...	210
Security required, ...	2
Dismissed from employ, ...	35
	584

117. From the remarks above recorded the administration of Criminal Justice in this District during the past year, cannot be considered in any way as satisfactory, the number of persons unnecessarily apprehended, and the length of time occupied in the investigation of cases, evincing great want of experience and system on the part of Mr. Sandys. The Court however have much satisfaction in observing the testimony borne by Mr. Hawkins to Mr. Sandys's industry and zeal, and they therefore trust that after a longer period of service and consequently greater experience, he will become an efficient and useful public officer.

118. The Statements were submitted by Mr. Hawkins with a letter dated 24th January, and the Court have much pleasure in stating that they have had every reason to be satisfied with the mode in which that officer has conducted his Criminal duties.

ZILLAH BHAUGULPORE.

Magistrate's Court.

119. The statements for this Division, comprising the Districts noted in the margin,* were submitted by Mr. Brown, Officiating Commissioner of Circuit, with a report dated the 20th April.

* Bhaugulpore, including
Monghyr.
Tirhoot.
Purnea.

120. Mr. J. Dunbar was in charge of the Magistracy of the District of Bhaugulpore, from the 1st of January to the 14th of November. On the 15th November, Mr. Dunbar delivered over charge to Mr. Steer, and Mr. Steer again delivered over charge to Mr. Dunbar on the 14th December; who continued in charge of the District up to the 31st of December.

121. At the close of the year 1835, there were 32 persons under trial, viz. 12 in Jail and 20 on Bail or personal recognizance; 975 persons were apprehended during the year 1836, making a grand total of 1,007, and these persons were disposed of as noted in the margin.*

* Acquitted, ...	133
Convicted, ...	805
Committed, ...	59
Died, ...	1
Under Trial	
Jail..... 4	9
Bail,..... 5	
	1007

122. The statement noted in the margin* shews the number of persons apprehended, convicted, and acquitted in "Heinous Crimes" as well as in "Petty Offences." The Officiating Commissioner Mr. Brown makes the following re-

* Heinous Crimes, ..	184
* Apprehended, ...	348
Convicted, ...	216
Acquitted, ...	68

Petty Offences, ...	362
Apprehended,.....	659
Convicted, ...	589
Acquitted, ...	62

marks regarding the Bhaugulpore District: "The proportion of convictions to "acquittals in 1835 was as 7 to 6; in 1836 as 7 to 1½. It is however to be ob- "served, that of the number noted as punished during the past year, 114 were "sentenced to pay only very trifling fines (of from two Rupees, down to four "annas each) and in many cases, not as the penalty due to crime, but merely as "a caution for the future (*'burae ibrut i ay endah'*). Had these persons "been simply admonished, and released on *Moochulka* it would, I apprehend, "have been necessary to enter them under the head of 'Acquitted.'" The Court have noticed these observations with very great regret. It must be obvious that if persons are convicted, and fined a few annas "not as a penalty due to crime, "but merely as a caution for the future," no dependence whatever can be placed on the statements either by this Court or by the Government; and no correct opinion regarding the state of any District, can be formed on such inaccurate data. Great injustice is moreover done to the people, and these petty fines have every appearance of being imposed by the Magistrate with a view of swelling up the number of the convictions; and thus of obtaining the approbation of Government for zeal and exertions, which do not exist, and for an apparent amelioration in the state of Criminal Justice, founded on the most fallacious returns.

123. Such has in fact, been the natural consequence in the present instance of Mr. Dunbar's proceedings. The Court observe, that the large proportion of persons convicted by Mr. Dunbar, when formerly Magistrate of Mymensing, and latterly of Bhaugulpore, has already received the marked approbation of the Right Honorable the Governor of Bengal, and the mode in which he has conducted his proceedings, has been held up, in Mr. Secretary Mangles' dispatch of the 20th of February last, No. 455, as a pattern for other Magistrates to follow. The large proportion of persons convicted by Mr. Dunbar, in these two Districts, has moreover led the Right Honorable the Governor of Bengal to doubt, whether the standard fixed by the Court in their annual report for the year 1835, regarding the proportion of acquittals to convictions was not too low. The Court observe that the convictions in Mymensing, under Messrs. Dunbar and Carruthers in 1835, were (including commitments) 833; while the acquittals were only 279; the Magistrate however, as observed in the Court's resolutions for that year, omitted to submit any statement of the Miscellaneous cases, and the Court consequently remarked, that they were "unable to discover under what particular head these numerous convictions had taken place." With reference however to Mr. Dunbar's proceedings at Bhaugulpore, and to the importance the Court attach to this subject, the Session Judge of Mymensing, Mr. Cheap, will be requested carefully to revise the annual statement, No. 1 of the District of Mymensing, for the year 1835; and to ascertain, from an examination of some of the cases, and from such other sources as he may deem proper, whether petty fines were also imposed by Mr. Dunbar at Mymensing "not as a penalty due to crime, but merely as a caution for the future." Mr. Cheap will be further requested to report, what number of persons were convicted and sentenced in 1835 to pay a fine, under the amount of 2 Rupees, and what number of the persons convicted, were sentenced to be imprisoned for a period not exceeding 10 days.

124. The Court consider the Officiating Commissioner Mr. Brown to have performed a most essential part of his duty as Commissioner of Circuit, in having brought Mr. Dunbar's proceedings fully and fairly to the notice of the Court; they will request that he will furnish a similar report for the District of Bhauglepore for the year 1836; as has been required from the Session Judge of Mymensing for the year 1835. They would not impose this duty on Mr. Brown were they not aware that the office of Session Judge of Bhauglepore had been lately conferred on Mr. Dunbar.

125. No persons were acquitted in consequence of Razeenamehs being filed, and none from the non-attendance of Prosecutors.

126. The number of persons in Jail or on Bail on the 31st December last, is noted in the margin.* The actual number of persons in Jail or on Bail is few: the Court however have remarked with much dissatisfaction, that one person, Kusecmoodeen, the late Fouzdary Nazir of Bhauglepore, has been kept on bail since May 1835, and in confinement since January 1836. This circumstance was not brought to the notice of the Court until the 3rd of February 1837, when a report of the case was called for; and on the 31st of March the necessary orders were issued by the Court to the Officiating Commissioner to try the case.

* In Jail,	4
On Bail,	5

127. One case was pending instituted under Regulation XV. 1824, at the end of the year.

128. Thirty-five persons were confined in default of security for good conduct.

129. The number of Appeals preferred from the decisions of the Magistrate in Criminal trials and Miscellaneous cases and the result thereof is noted in the margin.* This calls for no particular remark.

* Appeals.		
Criminal Trials.		
Preferred,		26
Confirmed,	11	
Modified or revd.	8	
Pending,	7	
		26
Miscellaneous.		
Preferred,		61
Confirmed,	44	
Modified or revd.,	20	
		61
* Heinous Offences,		3
Petty ditto,		2
Appeals,		2
Proceedings from other Districts,		5
Miscellaneous cases,		76
		88

130. The Criminal business actually pending in this District on the 31st of December last, is noted in the margin.* This statement is considered satisfactory.

131. The Session Judge will be requested to furnish the information called for in the 4th paragraph of the Circular Order of the 7th of October 1836, with the least practicable delay.

132. Mr. Lang was in charge of this Joint Magistracy* from the 1st of January to the 3rd of November, on which date he delivered over charge to Mr. Trotter, Mr. Trotter delivered over charge to Mr. Cardow on the 28th of December, who continued to officiate as Joint Magistrate until the end of the year.

* Joint Magistracy of Monghyr.

133. At the close of the year 1835, there were 25 persons under trial, viz. 11 in Jail and 14 on Bail, or personal recognizance. 1353 persons were apprehended or summoned during the year 1836, making a grand total of 1388; these persons were disposed of in the mode noted in the margin.*

* Acquitted,		358
Convicted,		891
Committed,		69
Died,		1
Sent to the Supt. of Thuggee at Moorshedabad		26
Under Trial.		
Jail,	20	43
Bail,	23	
		1388

* Heinous Crimes, ...	332
Apprehended, ...	440
Convicted, ...	232
Acquitted, ...	120
Petty Offences, ...	468
Apprehended, ...	948
Convicted, ...	654
Acquitted, ...	238

134. The Statement noted in the margin* shews the number of persons apprehended, convicted, and acquitted in "Heinous Crimes," as well as in "Petty Offences." Among the convictions the Court observe the cases of 230 Chowkeedars or Police Officers punished for "neglect of duty" and of 55 persons punished for "resistance of process." They further observe that of the 891 persons convicted during the year, 540 were only subjected to fine; previously therefore to expressing any opinion on the state of this Joint Magistracy, the Court will request that the Officiating Commissioner Mr. Brown will submit an abstract statement of the number of persons, who have been fined to the amount of 2 Rupees and under. The Court apprehend that the Joint Magistrates of Monghyr will be found to have followed the same course of proceeding adopted by Mr. Dunbar at Bhauglepore, the number of persons fined being 540, and the amount of the fines realized being only 375 Rupees,—44 persons were acquitted in consequence of "Razeenamehs" being filed, but none from the non-attendance of Prosecutors.

* In Jail, ...	20
On Bail, ...	21

135. The number of persons in Jail or on Bail, on the 31st December last, is noted in the margin,* and requires no particular remark.

136. Three cases were pending instituted under Regulation XV. 1824, at the end of the year.

137. Nineteen persons were confined in default of security for good conduct.

* APPEALS.		
Criminal Trials.		
Preferred, ...		53
Confirmed, ...	29	
Modified or reversed	17	
Pending, ...	7	
		53
Miscellaneous Cases.		
Preferred, ...		64
Confirmed, ...	39	
Modified or reversed	25	
		64
* Heinous offences,....		8
Petty ditto, ...		32
Appeals, ...		0
Proceedings from other Districts, ...		0
Miscellaneous cases, ..		91
		131

138. The number of Appeals preferred from the decisions of the Joint Magistrate in Criminal trials and Miscellaneous cases, and the result thereof is noted in the margin.* This statement, though not very satisfactory, appears to call for no particular remark.

139. The Criminal business actually pending in this District on the 31st December last, is noted in the margin.* This return is considered satisfactory.

140. The Session Judge will be requested to furnish the same information regarding the time that Criminal cases are under investigation for Monghyr, as he has already been requested to do for Bhauglepore.

SESSION JUDGE'S COURT.

141. Mr. Lee Warner was Session Judge of this District for the past year, and was employed 73 days in the duties of the Sessions.

* Acquitted.....	7
Convicted, ...	82
Preferred,.....	36
Annulled,.....	11
Died, ...	1
	137

142. At the close of the year 1835, two persons remained under trial in the Sessions Court, 135 persons were committed during the year 1836, making a grand total of 137, and they were disposed of, as noted in the margin.* This result is considered to be satisfactory.

143. No trials were called for at the English Sittings.

144. Two Appeals were preferred from the orders of the Session Judge, and in both instances the orders were confirmed.

NIZAMUT ADAWLUT.

145. Nine persons were under reference at the close of 1835; the number referred in 1836 was 36; making a total of 45; and they were disposed of as noted in the margin.*

* Acquitted, ... 23
Convicted, ... 22

146. The Court observe that 21 prisoners were released in one case of Dacoity referred by Mr. Lee Warner, the Session Judge, in consequence of his not concurring with the Futwa of his Law Officer. The view of the case taken by the Session Judge, was confirmed by the decision of this Court. The Court observe that considerable irregularity and misconduct was committed by the Police Darogah in this case; some of the acquitted persons appearing to have been detained as long as twenty days in the Mofussil. Considerable neglect appeared also in the proceedings of the Magistrate, Mr. Dunbar, who omitted to have the Mofussil confessions of the prisoners read over to them in his Court, and the evidence of the subscribing witnesses to them taken. These irregularities were duly noticed by the revising Judge.

147. The following is an abstract of the sentences passed, on the prisoners convicted, in the District of Bhauglepore during the year 1836:

By the Nizamut Adawlut.

Death, ...	1
Imprisonment for life, ...	14
Imprisonment for 10 years, ...	6
Imprisonment for 1 year, ...	1
Total	22

By the Session Judge.

More than 7 and not exceeding 14 years, ...	30
More than 3 and not exceeding 7 years, ...	35
More than 1 and not exceeding 3 years, ...	12
Less than one, ...	5
Total	82

By the Magistrate of Bhauglepore and his Assistants.

Six months and not exceeding 3 years, ...	122
Less than 6 months, ...	258
Fined, ...	386*
Security required, ...	39
Total	805

* Amount of fine 220 Rs.

By the Joint Magistrate of Monghyr and his Assistants.

Six months and not exceeding 3 years, ...	138
Less than 6 months, ...	151
Fined, ...	540*
Security required, ...	31
Flogged, ...	1
Total	861

* Amount of fine 375 Rs.

GENERAL REMARKS.

148. The Court feel themselves precluded from recording any opinion regarding the state of the Bhauglepore District and Joint Magistracy of Monghyr, until they shall have been furnished with the information, which the Commissioner has been requested to supply: at present they are unable to state whether the proportion of convictions to acquittals is creditable or otherwise to the Officers who have been in charge of these Magistracies during the past year.

149. The Court have had every reason to be satisfied with the proceedings of the Session Judge Mr. Lee Warner; and although the Officiating Commissioner has very recently assumed the temporary charge of his office, he has evidently taken a great deal of trouble in preparing the Statements, and his report evinces, that he has devoted considerable attention to this particular branch of his duty.

ZILLAH PURNEA.

Magistrate's Court.

150. Mr. F. E. Read officiated as Magistrate of this District, from the 1st of January to the 8th of March, when he delivered over charge to Mr. W. P. Goad, who, again on the 10th of October was succeeded by Mr. Read, who continued to officiate to the 31st of December.

151. At the close of the year 1835, there were 106 persons under trial; viz. 2 in Jail and 104 on Bail, or personal recognizance; 1,583 persons were apprehended or summoned during the year 1836; making a grand total of 1689, —these persons were disposed of in the mode noted in the margin.*

* Acquitted, ...		701
Convicted, ...		759
Committed, ...		142
Died, ...		5
Escaped, ...		1
Under Trial		
Jail, ...	33	81
Bail, ...	48	
		1689

152. The statement noted in the margin* shews the number of persons apprehended, convicted, and acquitted by the Magistrate and his Assistants in "Heinous Crimes" as well as in "Petty offences." In submitting his Annual Report of Criminal Justice for this District the Officiating Commissioner Mr. Brown observes as follows—"The proportion of convicted to acquitted in 1835 was, as "20 to 27⅔; in 1836 as 20 to 18¼. This is a slight improvement, but the result "is still very unsatisfactory, and tells greatly against the efficiency of the administration of Criminal Justice in the District. From what I have learnt from

* Heinous crimes, ...	772
Apprehended, ...	559
Convicted, ...	142
Acquitted, ...	356
Petty offences, ...	500
Apprehended, ...	1130
Convicted, ...	559
Acquitted, ...	403

"the present Acting Magistrate, I am inclined to believe, that many of the ac-
"quittals are attributable to the chicanery of the Umlah, in tampering with the
"parties out of Court, and suppressing the proofs of crime."—The Court do not exactly coincide with Mr. Brown, in considering the statement as "very unsatisfactory" although they would have been glad to have observed a higher proportion of convictions: they remark however, that 77 persons were convicted before the Sessions Court and the Nizamut Adawlut, and the cases of 11 prisoners were pending in the latter, at the end of the year. Regarding the chicanery of the Umlah supposed to be practised in the Magistrate's Court, the Court will direct that this Officer be called upon for a full report on the subject; he will submit it through the Session Judge; who will be pleased to furnish the Court with his own opinion on the circumstances alluded to by Mr. Brown. 115 persons were convicted of neglect of duty, and 46 of resistance of process; 36 persons were acquitted in consequence of "Razeenamehs" being filed; and 13 from the "non-attendance of prosecutors."

153. The number of persons in Jail or on Bail, in this District, at the close of the year, is noted in the margin,* and requires no particular remark.

* In Jail, ...	33
On Bail, ...	48

154. One case was pending, instituted under Regulation XV. 1824, at the close of the year.

155. Thirty persons were confined in default of security for good conduct.

156. The number of Appeals preferred from the decisions of the Magistrate in Criminal trials and Miscellaneous cases, and the result thereof is noted in the margin.* This statement, though not very satisfactory, seems to call for no particular remark.

157. The Criminal business actually pending in this District, on the 31st December last, is noted in the margin.* This return may be considered as satisfactory.

158. The Commissioner Mr. Brown having omitted to furnish the Court with the information called for, in the 4th paragraph of the Circular Order of the 7th of October 1836, the Sessions Judge Mr. Pringle will be requested to do so with the least practicable delay.

* APPEALS.

Criminal Trials.		
Preferred, ...		15
Confirmed, ...	5	
Modified or reversed	8	
Pending, ...	2	
		15
Miscellaneous Cases.		
Preferred, ...		23
Confirmed, ...	11	
Modified or reversed	12	
		23
* Heinous offences, ...		11
Petty ditto, ...		15
Appeals, ...		5
Proceedings from other Districts, ...		0
Miscellaneous cases, ..		83
		114

SESSION JUDGE'S COURT.

159. Mr. H. Nisbet was Session Judge of this District, from the 1st to the 23d of January, and Mr. W. Pringle from the 16th of May to the 31st of December. The duties of the Sessions occupied 58 days.

160. At the close of the year 1835, there was one person under trial in the Sessions Court: 142 were committed during the year 1836: making a grand total of 143; these prisoners were disposed of in the mode noted in the margin.* In

* Acquitted, ...	39
Convicted, ...	71
Preferred, ...	27
Under trial, ...	6
	143

the months of October and December there appear to have been one or two heavy commitments made on very insufficient grounds, but the general result of the Sessions, throughout the year, is not, in the opinion of the Court, discreditable to the judgment and discrimination of the committing Magistrates.

161. One case was called for at the English sittings, and in that the sentence passed by the Session Judge was mitigated.

162. Four Appeals were preferred from the orders of the Session Judge during the year. The orders passed were confirmed in two instances, and modified or reversed in the other two.

COURT OF NIZAMUT ADAWLUT.

* Acquitted, ...	10
Convicted, ...	7
Under trial, ...	11
	28

163. One prisoner remained under trial at the close of 1835; the number referred in 1836 was 27: making a grand total of 28, and they were disposed of as noted in the margin.* Of the prisoners acquitted, 2 were so by reason of insanity; but the usual order was passed for their detention in the Lunatic Asylum, until their recovery.

164. The following is an abstract of the sentences passed, on the prisoners convicted, in the District of Purnea, during the year 1836:

By the Nizamut Adawlut.

Imprisonment for life, ...	1
Imprisonment for three years, ...	1
Fined, ...	5
Total, ...	7

By the Session Judge.

Above 7 and not exceeding 14 years, ...	3
Above 3 and not exceeding 7 years, ...	38
Above 1 and not exceeding 3 years, ...	30
Total, ...	71

By the Magistrate and his Assistants.

Six months and not exceeding 3 years, ...	119
Less than 6 months, ...	226
Fined, ...	390
Security required, ...	24
Total, ...	759

GENERAL REMARKS.

165. The District of Purnea cannot, from the Statements now before the Court, be considered in very high order. The alleged conduct of the Omlah in tampering with parties out of Court, and in suppressing proofs of crime, must however be rigidly enquired into, and the Court will direct that the present Magistrate, Mr. Trotter, lose no time in completing his enquiries on this subject.

166. The following extract from Mr. Brown's report, shews that the controul exercised in this Division by the Commissioner has not been very efficient, that little virtual superintendence could have been exercised over the proceedings of the Magistrates: and how necessary it had become to transfer the Criminal duties to the Session Judges. " From these statements however, it is impossible for me " to discover, whether the Magistrates have exercised a wholesome control over " the proceedings held by the Thannadars; whether their own investigation of " cases has been conducted in a careful or superficial manner, whether the wit- " nesses for the defence, as well as the prosecution, have been examined; and " whether the rules respecting the confession of prisoners have been strictly " enforced. Neither can I form any opinion, as to how far persons apprehended " by the Police, have been convicted by the Magistrates hastily, and on " insufficient grounds; or how far their release is attributable to their " innocence, or to want of evidence, or to imperfect investigation, or to " defect in the law. These are all matters of vital importance to the due admi- " nistration of Criminal justice; but regarding which, I have no means of forming " any judgment, from a mere inspection of the Magistrate's tabular statements. " To discover the real merits of any one case from such meagre resources is im- " practicable; how much more so, to arrive at any just conclusion respecting the " general efficiency of the administration of justice.

" The Session Judges who now try all Appeals from the Magistrate's deci- " sions as well as all cases of commitments are alone qualified, to form a correct " estimate on the points alluded to, and I would therefore venture to suggest the " propriety of the Sudder Courts calling on Mr. Pringle and Mr. Oldfield to " communicate any such general observations on the state of Criminal justice in " the Districts of Purnea and Tirhoot, respectively, during the past year, as may " have occurred to them in the discharge of their duties as Judges of Session. " Both those Gentlemen are much better qualified than I am for the task; and " their local experience and knowledge of facts will render any thing they may " advance much more worthy of regard, than any vague remarks of mine."

167. The Court trust that Mr. Pringle, the Session Judge, who is now vested with Criminal powers under Act VII. 1835, will exercise a careful and searching supervision over the proceedings of the Magistrate, a duty which from his long experience in the Criminal department, he is fully capable of performing in an efficient manner; checking every thing that may be irregular or illegal, and bringing to the notice of the Court any facts that his local experience may enable him to do, so as to place the Court in complete possession of the real state of Criminal justice in the District.

168. Some few irregularities were observable in one or two of the Monthly Jail Delivery Statements, and Criminal trials submitted by Mr. Pringle to the Court; but generally speaking, they have been submitted in a correct and satisfactory manner.

TIRHOOT.

Magistrate's Court.

169. Mr. G. Gough officiated as Magistrate of this District from the 1st of January to the 8th of February. Mr. Gough delivered over charge of the office to the Magistrate Mr. J. E. Wilkinson, on the 9th of February, and Mr. Wilkinson continued in charge of the District during the remaining portion of the year.

* Acquitted,		997
Convicted,		1034
Committed,		71
Died,		5
Escaped,		6
Under Trial.		
Jail,	11	24
Bail,	13	
		2137
* Heinous Crimes,		1629
Apprehended,		617
Convicted,		260
Acquitted,		276
Petty Offences,		1098
Apprehended,		1520
Convicted,		730
Acquitted,		758

170. At the close of the year 1835, there were 86 persons under trial, viz. 20 in Jail and 66 on Bail or personal recognizance. 2051 persons were apprehended or summoned, during the year 1836; making a grand total of 2137; and these persons were disposed of as noted in the margin.*

171. The Statement noted in the margin,* shews the number of persons apprehended, convicted, and acquitted in Heinous Crimes as well as in "Petty Offences." The Commissioner in remarking on the general state of this District, observes as follows: "The proportion of convictions to acquittals in "1835, was as 20 to 27, in 1836 as 20 to 19¼. This result, though it shews a slight "improvement, is extremely discreditable to the Magistrate. It proves either "that a great number of persons have been improperly summoned, or that their "cases have been very insufficiently investigated." The Court are not prepared to declare, that the proportion of acquittals to convictions in this District, is actually "discreditable to the Magistrate," although it is certainly lower than it ought to be, if the Police were properly superintended; various causes however, may arise to prevent the proportions from being much higher. In putting down affrays it may have been absolutely necessary in the first instance, to summon or apprehend, a large number of individuals whose release after investigation might have been inevitable. In like manner it may have been necessary to detain large bodies of persons, travelling through or assembling within the jurisdiction of the Magistrate, for the purpose of calling upon them to give some account of themselves, or to take the precautionary measures pointed out in Section 7, Regulation III. 1821. In short, unless these tabular statements are carefully analysed by the local superintending authorities, the Court are by no means prepared at once to blame a Magistrate, merely because the convictions do not greatly preponderate over the acquittals, in his District. 120 persons were punished for neglect of duty, 306 were discharged in consequence of Razeenamehs being filed, and 82 from the non-attendance of Prosecutors.

172. Nine hundred and eighty-three Burglaries and 527 Thefts were reported to have occurred during the year 1836, and from the small number of persons brought to trial for these offences (447) the Court apprehend that the

provisions of Regulation II. 1832 have been productive of very injurious effects.

173. The number of persons in Jail or on Bail on the 31st December last is noted in the margin.* This return is considered satisfactory.

* In Jail, ... 11
On Bail, ... 13

174. One case was pending instituted under Regulation XV. 1824, at the close of the year.

175. Thirty-four persons were confined in default of security for good conduct.

176. The number of Appeals preferred from the decisions of the Magistrate in Criminal trials and Miscellaneous cases, and the result thereof, are noted in the margin.* This return appears to call for no particular remark.

* Appeals.

Criminal Trials.		
Preferred, ...		57
Confirmed, ...	32	
Modified or revd ,..	13	
Pending, ...	12	
		57
Miscellaneous Cases.		
Preferred, ...		95
Confirmed, ...	58	
Modified or revd ,..	37	
		95

177. The Criminal business actually pending in this District on the 31st December last, is noted in the margin.* This Statement the Court considers to be very discreditable, it evinces the impossibility of any one individual performing the double duties of Collector and Magistrate in this large and populous District, the Court deem it their duty to request that the Right Honorable the Governor of Bengal will direct an immediate separation of these appointments in Tirhoot. The present mass of Criminal business pending in this District must amount to an absolute denial of justice, and the Court apprehend from the number of cases settled by Razeenameh (306) that cases of a very trivial nature are too frequently brought into Court.

* Heinous Offences, ..	211
Petty ditto, ...	1102
Appeals, ...	158
Proceedings from other Districts, ...	588
Miscellaneous Cases,	15597
	17656

178. The Commissioner having omitted to furnish the Court, with the information called for by the 4th paragraph of the Circular Order of the 7th October, 1836, the Session Judge, Mr. Oldfield, will be requested to do so with the least practicable delay.

SESSION JUDGE'S COURT.

179. Mr. Dashwood was Session Judge of this District from the 1st of January to the 19th of May; Mr. G. Gough, from the 20th of May to the 5th of September, and Mr. Oldfield, from the 6th of September to the 31st of December. The number of days occupied in performing the duties of the Sessions was 40, as noted in the margin.*

	Days.
* Mr Dashwood	22
Mr Gough, ...	13
Mr. Oldfield, ...	5
	40

180. At the close of the year 1835, no persons were under trial in the Sessions Court. 70 prisoners were committed during the year 1836; and they were disposed of as noted in the margin.* The Court consider the result of the commitments to be creditable to the discrimination of the Magistrate, Mr. Wilkinson, more particularly as they remark that, of the prisoners referred to this Court, 21 were convicted and sentenced.

* Acquitted, ...	4
Convicted, ...	43
Referred, ...	23
	70

181. The following details of a case of murder by Thuggee committed by six individuals, of whom four were eventually sentenced capitally by this Court, are of a very interesting nature, and the manner in which the preliminary proceedings were held by Mr. Wilkinson, evinced considerable judgment on his part. The trial was also conducted in a very satisfactory manner by the late Mr. Dashwood. "In the month of Phagoon last year, or February 1835, Bharut "Roy the wounded man, came to Mozufferpore in search of service, to a Moktar "named Khooblall, and not obtaining it, was returning to his home in the Chuprah "District. On reaching a tank about three coss from hence, he found a person "named Tirbhoounlall, seated, and as they were going to the same village they "agreed to proceed together. There were three other men seated near, who "when they went on, also arose, and joined them, saying that they had come from "Purneah, and were going to the same village. The five went on and were soon "overtaken by another man, and subsequently by two more, who said that they "were going the same road, and kept them company. That afternoon they "reached a village named Ghureeba, where they, rested for the night, under a "Pakur tree. Before daylight all proceeded on their journey, but when they "had gone only a very short distance, one of the six, who had joined Bharut "and Tirbhooun feigned illness, and saying that he could proceed no further, "called them to sit down under a tree a little off the road. Another of them "then cried out for medicine, and getting something, asked Bharut Roy to hold "the sick man's head, while he administered it which he did, and immediately "that man from behind strangled him, and pulled him backwards while the sick man "jumped up, and got on his chest. He of course became insensible, and could "observe no more; but on recovering in a slight degree, he found himself in "some water, out of which he contrived to move, but was unable to rise and get "away. As the Chokedar of the nearest village was that morning returning "home, he was told by some women going along the road, that there was some "one rising and falling again like a madman in the chowr, and they pointed out the "spot, on which he with others went there, and found Bharut Roy lying at the "edge of the water with his throat cut, and at a short distance the corpse of a "man strangled (Tirbhoounlall) and under the tree a naked sword, some shoes, "some string and a native letter, and both the bodies had been stripped of their "clothes. Notice was immediately given to the Thanadar who went and was "sending the corpse and the wounded man into Mozufferpore, when Mr. Charles "Mackinnon, who was formerly Assistant Surgeon here, and has now an Indigo "Factory in that neighbourhood, happened to meet them. He ordered the "wounded man to be taken to his Factory, where he sewed up the wound in the "throat, and with great care and attention recovered him in the course of a "month and a half. A few days after the occurrence, when Bharut Roy was "able to articulate, he gave a general description of the persons of those who "had joined him, and Tirbhoun, for they were strangers and he knew not their "names. The Magistrate sent this to the neighbouring Districts for circulation "among the Police." The whole of the gang was subsequently apprehended, and sufficient evidence having been obtained against four, to commit them for trial they were made over to the Session Court and, as before stated, convicted, and sentenced to suffer death.

182. No trials were called for at the English sittings.

183. Two Appeals were preferred from the orders of the Session Judge, and in both cases the orders were modified or reversed.

NIZAMUT ADAWLUT.

184. Two persons were under reference to this Court, at the close of the year 1835, the number referred in 1836 was 24; making a total of 26, and these prisoners were disposed of, as noted in the margin.*

* Acquitted, ...	4
Convicted, ...	21
Returned to Session Judge, ...	1
	26

185. The following is an abstract of the Sentences passed on the prisoners convicted during the year 1836:

By the Nizamut Adawlut.

Death, ...	4
Imprisonment for life, ...	5
Imprisonment for 14 years, ...	1
More than 3 and not exceeding 7 years, ...	15
	25

By the Session Judge.

More than 3 and not exceeding 7 years, ...	27
More than 1 and not exceeding 3 years, ...	16
Total	43

By the Magistrate and his Assistants.

Six months and not exceeding 3 years, ...	221
Less than 6 months, ...	290
Fined, ...	479
Surety required, ...	44
Total	1034

GENERAL REMARKS.

186. Nothing can be worse than the state of the business in this District. The number of Appeals pending from the subordinate tribunals, before the Magistrate, renders it quite impracticable that any effective superintendence or control can be exercised over the lower Courts, and the number of proceedings pending held on requisition of the Magistrates of other Districts, must also pre-

sent a serious obstacle to the apprehension of offenders; and the number of other applications and petitions lying over in the Magistrate's Court, must render it utterly impossible for that functionary holding as he does, at the same time, the important office of Collector and Deputy Opium Agent to dispose of the pending business, within any reasonable period of time.

187. The Court have had every reason to be satisfied with the manner in which the late Mr. Dashwood and Mr. Gough conducted the duties of the Sessions. Mr. Oldfield was only employed for five days on this duty in the year now under review. His experience as a Judicial Officer however, satisfies the Court that he will conduct the business of the Sessions in a correct and regular manner; and Act VII. 1835 having been introduced into the District, the Court trust that Mr. Oldfield will now exercise a wholesome and efficient supervision over the proceedings of the Magistrate.

DINAGEPORE.

Magistrate's Court.

188. Mr. G. T. Shakespear was Magistrate of this District, from the 1st of January to the 17th of July, and Mr. E. Bentall, from the 18th of July to the 31st of December.

* Acquitted,	892
Convicted,	1120
Committed,	140
Under Trial.	
Jail,	1
Bail,	0
	2153

189. At the close of the year 1835, there were 102 persons under trial, viz. 22 in jail and 80 on bail, or personal recognizance. 2051 persons were apprehended or summoned during the year 1836 making a grand total of 2153, and these persons were disposed of, in the mode noted in the margin.*

* Heinous Crimes,	3053
Apprehended,	860
Convicted,	298
Acquitted,	403
Petty Offences,	692
Apprehended,	1293
Convicted,	822
Acquitted,	489

190. The Statement given in the margin* shews the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." The results exhibited by this and a careful examination of Statement No. 1, satisfy the Court, that the state of the Criminal business of this District has during the greater part of the past year been very unsatisfactory. 27 cases of Dacoity, some of them attended with torture and wounding, have taken place during the year, and of 206 persons apprehended in these cases, 107 were discharged by the Magistrate, 1138 cases of Burglary have occurred; and of 131 persons apprehended, 65 only were convicted by the Magistrate. In like manner 1506 cases of theft appear to have occurred, in which only 296 persons were apprehended and brought to trial; of these 137 were acquitted and 158 convicted. Of the persons convicted of "petty offences," 297 appear to be Chokeedars or other Police Officers, convicted of "neglect of duty," and 141 were acquitted and discharged. In the detail of "Miscellaneous Crimes" the Court observe 26 persons have been acquitted "accused of crimes not proved to have been committed;" the Court remark that the crimes of which these persons were accused ought to have been distinctly stated, and they will accordingly direct the Magistrate to submit a Statement, setting forth this information, to the Session Judge, who will be requested to forward the same to this Court, with any observations of his own

that may appear to be necessary. The Court remark that 2 persons have been convicted by the Magistrate of "putting a Hog into a Mahomedan Durgah," the Session Judge will ascertain who these individuals were, and to what punishment they were sentenced. 20 persons were discharged in consequence of Razeenamehs being filed, and one from the non-attendance of Prosecutors.

191. Only one person was in custody under examination, and none were on bail at the close of the year 1836, a circumstance which is very creditable to the Officiating Magistrate Mr. Bentall.

192. No cases were pending under Regulation XV. of 1824 in this District at the close of the year 1836.

193. Six persons were confined in default of security for good conduct, on the 31st of December last.

194. The number of Appeals preferred from the decisions of the Magistrate in Criminal Trials, and also in cases of a Miscellaneous nature and the result thereof, is noted in the margin.* Nine other cases were called for on perusal of the Monthly Statements in which the orders in three were reversed, and in 6 confirmed.

195. The Criminal business, actually pending in this District on the 31st of December last, is noted in the margin.* The Statement is considered to be very satisfactory, and creditable to the Officiating Magistrate Mr. Bentall.

* APPEALS.		
Criminal Trials.		
Preferred, ...		4
Confirmed, ...	3	
Modified or reversed,	1	
		4
Miscellaneous.		
Preferred, ...		4
Confirmed, ...	4	
		4

* Heinous Offences, ...	1
Petty ditto, ...	57
Appeals, ...	0
Proceedings from other Districts, ...	0
Miscellaneous Cases, ..	1
	59

JOINT MAGISTRACY OF MALDAH.

196. Mr. H. Beresford was in charge of this Joint Magistracy on the 1st of January 1836. He delivered over charge of the office to Mr. Forbes on the 16th of January; who made it over to Mr. Hampton on the 15th of April. Mr. Hampton delivered it over to Mr. Taylor on the 19th of September, and Mr. Taylor to Mr. G. Battye on the 19th of December, who remained in charge until the end of the year. Five officers appear therefore to have been in charge of this Joint Magistracy during the last twelve months, and Mr. Battye, the present Joint Magistrate was so for only 12 days of the year.

197. At the close of the year 1835, there were 35 persons under trial, viz. 2 in jail and 33 on bail, or personal recognizance—1230 persons were apprehended or summoned during the year 1836, making a grand total of 1265, and these persons were disposed of in the mode noted in the margin.*

* Acquitted, ...		598
Convicted, ...		583
Committed, ...		64
Under Trial.		
Jail, ...	11	20
Bail, ...	9	
		1265

198. The Statement given in the margin,* shews the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." The proportion of acquittals to convictions, in heinous offences is decidedly unsatisfactory, and the proportion in petty offences, can be but barely considered the reverse. In justice to Mr. E. Latour, the Assistant, the Court

* Heinous Crimes, ...	75
Apprehended, ...	273
Convicted, ...	70
Acquitted, ...	138
Petty Offences, ...	407

Apprehended, ...	992
Convicted, ...	513
Acquitted, ...	460

deem it proper to state, that a very considerable portion of the business of this Joint Magistracy, during the past year has been performed by him: he having disposed of 266 Criminal cases, in which he convicted 364 persons, and acquitted only 229. Twenty persons were discharged in consequence of Razeenamehs being filed, and 12 from the non-attendance of Prosecutors.

* In Jail, ...	11
On Bail, ...	9

199. The number of persons in Jail, or on Bail on the 31st of December last, is noted in the margin.* This Statement is considered to be satisfactory.

200. Three cases instituted under Regulation XV. 1824 were pending in this Joint Magistracy at the close of the year.

201. Twelve persons were confined in default of security for good conduct on the 31st of December last.

* APPEALS.	
Criminal Trials.	
Preferred, ...	6
Confirmed, ...	2
Modified or reversed,	4
	6
Miscellaneous Cases.	
Preferred, ...	5
Confirmed, ...	2
Modified or reversed,	2
Pending, ...	1
	5

202. The number of Appeals preferred from the decisions of the Joint Magistrate in Criminal Trials and also in Miscellaneous cases, and the result thereof, is noted in the margin.* Four other cases were called for and confirmed.

* Heinous Offences, ..	2
Petty Offences, ...	4
Appeals, ...	17
Proceedings from other Districts, ...	7
Miscellaneous Cases, ..	61
	91

203. The Criminal business actually pending in this Joint Magistracy on the 31st of December last is noted in the margin.* The result shews that there is no great arrear of business.

SESSION JUDGES' COURT.

204. Mr. Wyatt, the Session Judge of Dinagepore, during the past year, was employed for 2 months and 11 days in the duties of the Sessions.

* Acquitted, ...	89
Convicted, ...	103
Referred, ...	9
Died, ...	4
Escaped, ...	1
Under trial, ...	29
	235

205. At the close of the year 1835, there were 22 prisoners under trial in the Session Court; 213 prisoners were committed during the year 1836, making a grand total of 235. These prisoners were disposed of, in the mode noted in the margin.* The proportion of acquittals to convictions, is not favorable. The Session Judge, Mr. Wyatt, however, in his Monthly Jail Delivery Statements has generally reported, that the Magistrates had sufficient grounds for commitment; 16 prisoners were acquitted in the month of November in consequence of some gross irregularities on the part of a Police Darogah of Maldah, he having taken confessions of the prisoners after 12 o'clock at midnight, without having assigned any special reasons for his having so acted, and having caused those confessions to be attested by witnesses who could not write their names, contrary to the Regulations and Circular Orders of the Nizamut Adawlut. Mr. Wyatt, the Session Judge, very properly reported the proceedings of this Officer to the Commissioner of the Division, agreeably to Section 10, Regulation VII. 1831; as such proceedings however are only productive of delay, the Court are of opinion, that a Sessions Judge holding a Jail Delivery, should be authorized under the provisions of Act VII. 1835, to order the dismissal of any native officer who may appear in the course of a trial, to have been guilty of misconduct; permitting the Magistrate, if dissatisfied with the order, to refer the matter for the final consideration

of the Nizamut Adawlut. 7 persons were also acquitted in the month of July for similar reasons; and the conduct of the Darogah was, in that instance also, brought to the notice of the Commissioner. The Court regret to observe, that considerable delay has occurred in the past year in the submission of commitments to the Sessions Court. One, two, and in some cases nearly three months having elapsed from the date of the commitment, before the case was tried by the Session Judge. Orders have however been issued to the Magistrate of Dinagepore and Joint Magistrate of Maldah, which will, it is trusted, prevent this discreditable delay; and the Court will request the Session Judge to bring the subject to their immediate notice, should his requisitions to submit the calendars, not be immediately attended to by the Magistrates.

206. One trial was called for at the English Sittings, under Section 5, Regulation IX. 1831, and in that the sentence passed by the Session Judge was enhanced. The sentences in two cases appearing to be too severe, they were, on a consideration of the Monthly Jail Delivery Statements, mitigated.

207. One Appeal was preferred from the orders of the Session Judge, and in that the order was modified or reversed.

COURT OF NIZAMUT ADAWLUT.

208. No prisoners were under reference from Dinagepore to this Court, at the close of the year 1835. The number referred in 1836, was 9, and they were disposed of as noted in the margin.*

* Acquitted, ...	0
Convicted, ...	8
Pending, ...	1
	9

209. The following is an abstract of the sentences passed on the prisoners convicted in this District, during the year 1836:

By the Nizamut Adawlut.

Death, ...	1
Transportation for life, ...	1
Imprisonment for life, ...	4
Seven years imprisonment, ...	2
Total	8

By the Session Judge.

More than 7 and not exceeding 14 years, ...	45
More than 3 and not exceeding 7 years, ...	34
More than 1 and not exceeding 3 years, ...	22
Less than one, ...	2
Total	103

By the Magistrate of Dinagepore and his Assistants.

Six months, and not exceeding 3 years, ...	... 216
Less than 6 months, ...	... 297
Fined, ...	.. 575
Security required, ...	... 32
Total	1120

By the Joint Magistrate of Maldah and his Assistant.

Six months, and not exceeding 3 years, ...	... 50
Less than 6 months, ...	... 118
Fined, ...	... 381
Security required, ...	... 13
Dismissed from office, ...	... 21
Total	1033

GENERAL REMARKS.

210. Neither the District of Dinagepore, nor the Joint Magistracy of Maldah can, from the Statements now before the Court, be considered in a satisfactory state. The Court however observe considerable improvement in Dinagepore since Mr. Bentall has been in charge of that District, and they assure themselves that he will spare no exertions to place the state of the Criminal business on a satisfactory footing. Regarding Maldah, five Officers having been in successive charge of the Magistracy during the year 1836, no other result than an unfavorable one could have been anticipated.

211. The Court have had every reason to be satisfied with the proceedings of Mr. Wyatt, the Session Judge. They will request that he will furnish them with the information called for in the 4th paragraph of the Circular Order of the 7th October, observing that this may be readily obtained, by referring to the Register books, Nos. 1 and 2, directed to be kept up by the Circular Order of the 12th of April, 1811.

ZILLAH RAJESHAYE.

Magistrate's Court.

212. Mr. H. T. Raikes officiated as Magistrate of this District, from the 1st of January to the 24th of October; Mr. W. M. Dirom, from the 25th of October to the 10th of November; Mr. A. C. Heyland, from the 11th of November to the 12th of December; and Mr. W. M. Dirom again, from the 12th to the 31st of December.

213. At the close of the year 1835, there were 122 persons under trial, viz. 35 in jail and 87 on bail, or personal recognizance. 1477 persons were apprehended or summoned during the year 1836, making a grand total of 1599; these persons were disposed of in the mode noted in the margin.*

* Acquitted,		898
Convicted,		620
Committed,		44
Died,		5
Under Trial—		
Jail,	1	32
Bail,	31	
		1599

214. The Statement given in the margin* shews the number of persons Apprehended, Convicted, and Acquitted, in "Heinous Crimes" as well as in "Petty Offences." The general result is by no means favorable, either as regards the proportion of persons Convicted of "Heinous" or of "Petty Offences." The Court observe, that 294 persons were apprehended or summoned for "neglect of duty," of which number 161 were convicted and punished, and 138 acquitted and discharged. No less than 143 persons were brought before the Magistrate or his Assistants, charged with "Contempt of Court;" of which number 67 were convicted, and 76 acquitted and discharged. The number of persons charged with and convicted of this offence, appearing to the Court to be unusually large, the Session Judge will be requested to call upon the Magistrate to furnish some explanation on the subject, submitting, at the same time, an abstract Statement of the sentences passed. In forwarding this explanation to the Court, the Session Judge will be pleased to state, in conformity with the Circular Order of the 27th of January 1837, whether he considers the same to be satisfactory and sufficient, or otherwise. Sixty-eight persons were discharged in consequence of Razeenamehs being filed and 12 from the non-attendance of prosecutors.

* Heinous Crimes,	140
Apprehended,	221
Convicted,	68
Acquitted,	123
Petty Offences,	395
Apprehended,	1378
Convicted,	552
Acquitted,	775

215. The number of persons in Jail or on Bail on the 31st December last, is noted in the margin.* The circumstance of only one prisoner being detained in Jail under examination, as well as the small number of persons on bail, is considered very creditable to the Officiating Magistrate Mr. Dirom.

* In Jail,	1
On Bail,	31

216. Three cases were pending under Regulation 15 of 1824, in this District. One of these has been pending for seven months, and is now before the Officiating Joint Magistrate who is out in the District on Fiscal duty. It is stated however that it will be decided very shortly.

217. Thirty-two persons were confined in default of security for good conduct, on the 31st of December last.

218. The number of Appeals preferred from the decisions of the Magistrate and Joint Magistrate in Criminal Trials, and also in Miscellaneous cases, and the result thereof is noted in the margin.* Besides the Appeals actually preferred, 4 other cases were called for by the Commissioner, on a perusal of the monthly statements, of which the order in one was reversed, and three were confirmed.

* APPEALS.		
Criminal Trials.		
Preferred,		13
Confirmed,	9	
Modified or reversed	4	13
Miscellaneous.		
Preferred,		41
Confirmed,	29	
Modified or reversed	12	41

219. The Criminal business actually pending in this District, on the 31st of December last, is noted in the margin.* The Court observe that in this District no cases are referred to the Sudder Ameen, or to the Cauzee, or to the Pundit. As the Civil business of Rajeshaye is particularly light, there is no objection

* Heinous Offences,	15
Petty ditto,	138
Appeals,	0
* Proceedings from other Districts,	12
Miscellaneous cases,	82
	250

whatever to petty Criminal cases being referred to the Sudder Ameen, and it appears also to the Court desirable, that the leisure time of the Cauzee and of the Pundit, should be occupied in a similar manner.

220. The Commissioner, Mr. Hawkins, has omitted to state the number of days that a Criminal trial is usually pending before the Magistrate, and the number of days that elapse after commitment, before the final disposal of the case by the Session Judge, as expressly required to do by paragraph 4 of the Circular Order of the 7th October 1836. As this information as far as regards the Magistrate's Court, may be very readily obtained by a reference to the chellauns of the Daroghas, prescribed by form No. 2, Regulation XX. 1817, and to the Register books, Nos. 1 and 2 directed to be kept by the Circular Order of the 12th of April 1811; the Court request that the Session Judge will direct the Magistrate to prepare, and submit this information without any further delay. As regards the Sessions Court, the Sessions Judge will direct his own Officers to furnish the requisite Statements, submitting the same to the Court with all practicable dispatch.

JOINT MAGISTRACY OF PUBNA.

221. Mr. Ogilvy, the Joint Magistrate, had charge of this Office, from the 1st of January to the 27th of June, on which day he proceeded on leave to Calcutta. Mr. Yule the Assistant was placed in charge until the return of the Joint Magistrate, on the 17th of July. On the 17th December, Mr. Ogilvy, having again obtained leave of absence, delivered over charge to the Assistant, Mr. Turnbull, from whom the present Officiating Joint Magistrate, Mr. Torrens, received charge on the 22d of December and remained in charge until the 31st.

* Acquitted, ...		605
Convicted, ...		747
Committed, ...		62
Under Trial—		
Jail,.....	73	221
Bail, ...	148	
		1635
* Heinous Crimes, ...		138
Apprehended, ...		513
Convicted,.....		221
Acquitted,.....		171
Petty Offences,.....		341
Apprehended, ...		1122
Convicted, ...		526
Acquitted, ...		434

222. At the close of the year 1835, there were 206 persons under trial; viz. 49 in Jail, and 157 on Bail or personal recognizance; 1429 persons were apprehended or summoned during the year 1836, making a grand total of 1635; and these persons were disposed of in the mode noted in the margin.*

223. The Statement given in the margin* shews the number of persons apprehended, convicted, and acquitted in "Heinous Crimes" as well as in "Petty Offences." The Court are happy to observe, a considerable improvement in the returns of this Joint Magistracy for the year 1836, as compared with those for the year 1835. In 1835 the convictions including the commitments, amounted to less than one-third of the persons apprehended. In 1836 the convictions alone considerably exceed the acquittals. In the detail of Miscellaneous crimes, the Court observe that 142 persons were under trial on "suspicion of various crimes" of which number 78 were acquitted, and discharged, and 59 convicted, and punished, the crimes with which these persons were charged, ought to have been specifically stated, and if necessary entered under the proper head in Statement No. 1; the Court will accordingly request the Session Judge to direct the Joint Magistrate to furnish a detailed Statement of the crimes and offences of which these 59 persons have been convicted, and to submit the

same with his own observations for the information and orders of the Court. The Court further observe that one person is detained under examination in Jail, on a charge of "Petty Affray" and Assault, and 15 persons charged with concealing various crimes. As the detention of these persons in Jail, for offences which are apparently bailable, is altogether irregular and illegal, the Session Judge will be requested, agreeably to paragraph 7 of Mr. Secretary Macsween's letter dated the 10th of November 1834 and circulated for the information of the Session Judges on the 12th of December of the same year, to call for the Magistrate's proceedings, and to revise them. Twenty-four persons were discharged in consequence of Razeenamehs being filed and 65 from the non-attendance of prosecutors.

224. The number of persons in Jail or on Bail on the 31st of December last is noted in the margin.* The Officiating Joint Magistrate Mr. Torrens, in explanation of the number of persons under examination, states as follows :—"The "number under examination in Jail in this Zillah, appears generally to exceed "50, which I think may be accounted for by the frequent crimes committed in dis-"putes with regard to land, at which there are mostly a great number of offen-"ders concerned, whom it is necessary to confine, when under examination." As this explanation did not appear to the Court, to be at all satisfactory, the Joint Magistrate has been called upon, to furnish a special report, regarding the causes from which these disputes so frequently arise in Pubna.

* In Jail, ... 73
On Bail, ... 148

225. Ten cases instituted under Regulation XV. 1824, were pending in this District at the close of the year. The number is considered by the Court, to be unusually large, and the attention of the Joint Magistrate should be directed to their early disposal.

226. Twenty persons were confined in default of security for good conduct on the 31st December last.

227. The number of Appeals preferred from the decisions of the Joint Magistrate in Criminal trials and also in cases of a Miscellaneous nature, and the result thereof is noted in the margin.* The small number of orders reversed in Appeals of a Miscellaneous nature, is considered creditable to the Joint Magistrate, the proportion modified or reversed in Criminal trials, on the contrary, is unsatisfactory.

* APPEALS.

Criminal Trials.

Preferred, ...		20
Confirmed, ...	10	
Modified or reversed	9	
Pending, ...	1	
		20

Miscellaneous.

Preferred, ...		30
Confirmed, ...	27	
Modified or reversed	3	
		30

* Heinous Offences, ..	16
Petty Offences, ...	142
Appeals, ...	1
Proceedings from other Districts, ...	1
Miscellaneous, ...	459
	619

228. The Criminal business actually pending in this Joint Magistracy, on the 31st December last, is noted in the margin.* The number of Miscellaneous cases pending in this Jurisdiction appears to the Court to be unnecessarily large. The Joint Magistrate will therefore be directed to submit, through the Session Judge, an Abstract Statement of the same, shewing the nature of the cases, and the length of time they may have been pending. The Joint Magistrate will also be requested to furnish the same information regarding the number of days, that a Criminal trial may be pending in his Court, as has been required from the Magistrate of Rajeshaye.

SESSION JUDGE'S COURT.

	Days.
* Mr. Barlow,	61
Mr. Heyland,	3
Total	64

229. Mr. Barlow officiated as Session Judge of this District from the 1st of January to the 24th September; Mr. Heyland held the Sessions in the month of December; the number of days occupied in the Sessions Court is noted in the margin.*

* Acquitted,	38
Convicted,	238
Referred,	15
Died,	2
Under trial,	44
	337

230. At the close of the year 1835, there were 227 prisoners under trial, 106 persons were committed during the year 1836, and 4 persons were received back, after reference to the Nizamut Adawlut; making a grand total of 337, and these prisoners were disposed of in the mode noted in the margin.* A large portion of persons convicted, consist of the individuals who were concerned in the disturbances in the Rajeshaye District, in the month of July 1835. The nature of these cases is thus described by the Session Judge, in his Abstract Statement for the month of February 1836, in which Session 191 prisoners were convicted of the following and other similar offences.

"The prisoners are convicted of attacking in a large armed body, of breaking into a brick wall of the prosecutor's house, by day light, of plundering it of, and burning papers and documents, his property, and destroying his palanquin, and other property as well as the door of his house, to which they sat fire, and which from its being bound with iron, they were unable to break open." "This and twenty-eight (28) other cases, are connected with a series of disturbances originating in sundry money transactions, between the prisoners and other ryuts, and certain merchants, and bankers, resident in the Bauleah, Bhowanny Gunge, Maudah, Tannore and Doobulhuttee Thannahs, situated in this District. Large bodies of ryuts, at the instigation, it is alleged, of Rajah Berissur Roy Zemindar of Taharpore, in the month of June and again between the 17th and 22nd July last, in some cases, almost simultaneously, in the same village attacked and forcibly entered the houses, both brick and thatched, of the bankers, with whom they had dealings, demanding from them their bonds and accounts. Large sums of money in Mohurs and Rupees, and valuables, as well as bonds to a great extent, are said to have been carried off by the rioters. In case No. 1, the claim amounts to 1,50,000 Rupees; in case No. 7, 25,600; No. 16, 10,500; No. 19, 55,000 and so on. How far this is founded on fact, it is difficult to say, no legal proof being adduced to this point. The amount, I doubt not, is much exaggerated; but there is reason to believe that the prosecutors have been plundered of property of considerable value." "The evidence for the prosecution is mainly that of eye witnesses, neighbours, who appeared on hearing a disturbance, or connexions and dependants, persons for years before acquainted with the prisoners, with whom they were in the habits of transacting business, and in whose village or near whose houses they lived in constant intercourse with them. Being inhabitants of the same village, in many cases they stood close to the scene of action and were no doubt considered by the rioters of their property; for the spirit of plunder, and the desire to get possession of all accounts that might be standing against them in the banker's hands, both Hindoo and Musulman, seems to have pervaded almost all the lower

" classes (and even those not indebted to the Prosecutors) residing in the " Thannahs above mentioned.

" Having effected an entrance into the brick houses of two or three of the " principal Mahajuns, they seem to have determined on the plunder of that class " generally; and continued a system of riot and plunder, till a Military force " was called in to disperse them; on the appearance of which further disturbances " ceased. The plea of alibi has been adopted in defence by almost all the " individuals charged, but excepting in a few instances has altogether failed, " though the attempt has in general been made to support it by the evidence of " neighbours and friends, who endeavour to establish the prisoner's presence at a " particular spot, and his being employed at his ordinary daily labour on a parti- " cular day and hour, (that on which the riot took place) though they can give no " account of him at any other time, and are ignorant of days, dates, and in some " instances, of months, and are unable to mention the date on which remarkable " events such as the recurrence of Festivals, the Mohurrum, the Ede, and even the " period of their Pooneah occurred. This case from the large number of assail- " ants, the amount of property alleged to have been plundered, the persevering " and protracted assaults, which continued more than four hours, the great " strength of the brick building which was battered down, the burning of the door " of the house, and the preconcerted and organized nature of the attack, is, in " my opinion, more than an ordinary one of plunder; and renders the prisoners " convicted, obnoxious to a degree of punishment, enhanced in proportion to the " aggravation it exhibits; under the above circumstances I have passed sentences " as recorded. The principals in all these cases have been sentenced to enhanced " punishment." The Court conclude, that the Commissioner of the Division, in his capacity of Superintendent of Police, has placed Government in full possession of the details of these disturbances, and that measures have consequently been adopted, to prevent the recurrence of scenes, so very discreditable to the Magistracy of the District.

231. The number of trials called for at the English Sittings was only one, and that is still pending in the Court.

232. The number of Appeals preferred from the orders of the Session Judge, was four. The orders passed in two, were modified or reversed, and two are still pending in the Court.

NIZAMUT ADAWLUT.

233. No prisoners were under reference from Rajeshye to this Court at the close of the year 1835, the number referred in 1836, was 12, and they were disposed of as noted in the margin.*

* Acquitted, ...	1
Convicted, ...	11
	12

234. The following is an abstract of the sentences passed on the prisoners convicted in this District, including the Joint Magistracy of Pubna, during the year 1836:

By the Nizamut Adawlut.

Death, ...	2
Imprisonment for life, ...	6

Imprisonment for 14 years, ...	2
„ for 3 years, ...	1
Total	11

By the Session Judge.

More than 3 and not exceeding 7 years, ...	78
Above 1 and not exceeding 3 years, ...	59
Less than 1 year, ...	1
Total	138

By the Magistrate of Rajeshye and his Assistants.

Six months and not exceeding 3 years, ...	58
Less than 6 months, ...	169
Fined, ...	386
Security required, ...	7
Total	620

By the Joint Magistrate of Pubna and his Assistants.

Six months and not exceeding 3 years, ...	151
Less than 6 months, ...	331
Fined, ...	200
Flogged, ...	1
Security required, ...	25
Dismissed from office, ...	39
Total	747

GENERAL REMARKS.

235. The state of the Criminal business in the District of Rajeshye, and Joint Magistracy of Pubna, cannot be considered by any means as satisfactory, and no time ought in the judgment of the Court to be lost, in relieving the Magistrate and Joint Magistrate of all fiscal duties. Measures moreover ought to be adopted to prevent the constant changes, that take place in the Magistracy every four or five months. Under the present system no improvement whatever can be expected. No less than three Officers have been in charge of the Magistracy of Rajeshye, and an equal number in charge of the Joint Magistracy of Pubna, during the year 1836; under such circumstances it is impossible that the state of Criminal Justice can be satisfactory.

236. The Court have had every reason to be satisfied with the manner in which Mr. Barlow has conducted the duties of the Sessions, and has submitted

his Monthly Jail Delivery Statements and letters of reference accompanying the trials referred. Act VII. 1835 having been introduced into the Rajeshye District and Joint Magistracy of Pubna, the Court trust that Mr. Barlow will carefully revise the Statements submitted to him by the Magistrate, and immediately notice any irregularities exhibited in those Returns, examining the Magistrate's proceedings, and requiring explanations whenever such a course may appear to be called for. This practical superintendence of the Magistracy, if conducted with the temper and judgment that the Court anticipate from an Officer of Mr. Barlow's experience, will, they trust, ere long place the administration of Criminal Justice in Rajeshye and Pubna on a much more efficient footing than the Court regret to observe has been the case for some time past.

RUNGPORE MAGISTRATE'S COURT.

237. Mr. C. D. Russell officiated as Magistrate from the 1st of January to 22nd of that month, when he delivered over charge of the Office to Mr. James, who retained it during the remainder of the year.

238. At the close of the year 1835, there were 24 persons under trial, viz. 5 in Jail and 19 on Bail or personal recognizance, 2791 persons were apprehended, or summoned, during the year 1836, making a grand total of 2815, and these persons were disposed of in the mode noted in the margin.*

* Acquitted,		972
Convicted,		1604
Committed,		202
Died,		1
Escaped,		1
Under Trial.		
Jail,	12	35
Bail,	23	
		2815

239. The Statement given in the margin,* shews the number of persons apprehended, convicted and acquitted, in "Heinous Crimes" as well as in "Petty Offences." Mr. James observes under the head of Remarks, in Statement No. 1 as follows:—"The acquittals by these Statements exceed one-third of the convictions, and I am unable to give a satisfactory reason for their so doing; in many cases it was impossible to determine without the attendance of the Defendants whether they had been guilty of a breach of the law or not, and in some cases, in consequence of their offence being of a trifling nature, I considered that being compelled to answer the complaint personally, and receiving a verbal reproof from me was sufficient punishment." The Court are happy to observe that the attention of Mr. James has been directed to the importance of checking the practice of apprehending and summoning individuals unnecessarily to the Sudder Station. As regards Mr. James's own proceedings however, no explanation was, in the judgment of the Court, at all requisite: the proportion between the acquittals and convictions, both in "Heinous" and "Petty Offences" being extremely satisfactory, and coming as near as possible to the standard, which the Court have fixed as a fair average for a District in good order, and superintended by an efficient and active Magistrate. It appears to the Court that in "Heinous Offences" if the proportion of acquittals to convictions is nearly equal, and if in "Petty Offences" about 1 to 2, the state of the District may be considered as satisfactory. Any attempt to raise considerably this standard, would in the opinion of the Court be attended with very bad effects; it would prevent the Police Darogahs from apprehending many individuals, such as vagrants and suspicious persons under a dread of being taken to task and fined

* Heinous Crimes,	526
Apprehended,	911
Convicted,	397
Acquitted,	324
Petty Offences,	834
Apprehended,	1904
Convicted,	1207
Acquitted,	648

for their proceedings; it would also tend to check the exertions of an active and zealous Magistrate, if, in adopting measures for the apprehension of Dacoits, or Burglars, or in putting down affrays attended with violent breaches of the peace, he was compelled to stop and calculate whether the evidence he was likely to obtain would be sufficient to convict the offenders or whether their eventual acquittal might not draw upon him the censure of his superiors. Every able and conscientious Magistrate will doubtless endeavour to check as much as possible, the unnecessary apprehension and needless detention of individuals, but every attempt on the part of the superintending authorities to draw this line too closely must be attended with general bad effects, both to the Police and to the administration of Criminal Justice. Thirty-two persons were discharged in consequence of Razeenamehs being filed, and 83 from the non-attendance of prosecutors.

* In Jail,	12
On Bail,	23

240. The number of persons in Jail or on Bail, on the 31st of December last is noted in the margin.* This Statement is considered very creditable to the Magistrate, Mr. James.

241. No suits instituted under Regulation XV. 1824, were pending in this District.

242. Eight persons were confined in default of security for good conduct, on the 31st of December last.

* Appeals.	
Criminal Trials.	
Preferred,	6
Confirmed, 3	
Modified or reversed, 2	
Pending, 1	
	6
Miscellaneous.	
Preferred,	8
Confirmed, 7	
Modified or reversed, 0	
Pending, 1	
	8

243. The number of Appeals preferred from the decisions of the Magistrate, in Criminal trials, and also in cases of a Miscellaneous nature, and the result thereof, is noted in the margin.* Nine other cases were called for, from a perusal of the Monthly Statements. The orders passed by the Magistrate, were confirmed in 7 and reversed in 2. This Statement is considered very creditable to the Magistrate.

* Heinous Offences,	2
Petty ditto,	70
Appeals,	0
Proceedings from other Districts,	7
Miscellaneous,	202
	281

244. The Criminal business actually pending in the District, on the 31st of December last, is noted in the margin.* This Statement appears to call for no particular remark.

JOINT MAGISTRACY OF BUGGOORAH.

245. Mr. J. Taylor was Joint Magistrate from the 1st of January to the 25th of July, on which day he delivered over charge to Mr. G. Yule, who officiated during the rest of the year.

* Acquitted,	266
Convicted,	352
Committed,	39
Died,	3
Under Trial—	
In Jail, 3	20
On Bail, 17	
	680

246. At the close of the year 1835, there were 43 persons under trial, viz. 24 in Jail and 19 on Bail or personal recognizance, 637 persons were apprehended or summoned during the year 1836, making a grand total of 680, and these persons were disposed of as noted in the margin.*

* Heinous Offences,	336
Apprehended,	257
Convicted,	131
Acquitted,	84

247. The Statement given in the margin,* shews the number of persons apprehended, convicted, and acquitted, in "Heinous" as well as in "Petty

Offences." The proportion of acquittals to convictions, is considered very satisfactory. Twenty persons were discharged in consequence of Razeenamehs being filed, and one on account of the non-attendance of the prosecutor.

Petty Offences,	211
Apprehended,	423
Convicted,	221
Acquitted,	182

248. The number of persons in Jail or on Bail on the 31st of December last is noted in the margin.* This Statement is considered creditable to the Officiating Joint Magistrate, Mr. Yule.

* In Jail,	3
On Bail,	17
	20

249. Three cases were pending under Regulation XV. 1824 at the close of the year.

250. Three persons were confined in default of security for good conduct on the 31st December last.

251. The number of Appeals preferred from the decisions of the Joint Magistrate, in Criminal trials, and also in cases of a Miscellaneous nature, and the result thereof, is noted in the margin.* Three other trials were called for, and the orders of the Joint Magistrate were confirmed.

* APPEALS.		
Criminal Trials.		
Preferred,		6
Confirmed,	3	
Modified or reversed,	3	
		6
Miscellaneous.		
Preferred,		9
Confirmed,	5	
Modified or reversed,	2	
Pending,	2	
		9

252. The Criminal business actually pending on the 31st of December last is noted in the margin.* This Statement is creditable to the exertions of Mr. Yule.

* Heinous Offences,	2
Petty Offences,	7
Appeals,	0
Proceedings from other Districts,	0
Miscellaneous cases,	70
	79

SESSION JUDGE'S COURT.

253. Mr. T. A. Shaw was Session Judge of Rungpore during the past year, and he was employed 103 days in the duties of the Sessions.

254. At the close of the year 1835, there were 19 persons under trial, and 241 persons were committed during the year 1836; making a grand total of 260, and these prisoners were disposed of in the mode noted in the margin.* The result of the commitments is considered by the Court to be satisfactory, and is creditable to the judgment of the Committing Magistrates Messrs. James, Taylor and Yule.

* Acquitted,	60
Convicted,	157
Referred,	31
Under trial,	12
	260

255. Three trials were called for at the English Sittings under Section 5, Regulation IX. 1831. In two the sentences were confirmed, and in one enhanced. On an inspection of the Monthly Jail Delivery Statements, a sentence passed by the Session Judge, being deemed too severe, was mitigated.

256. Six Appeals were preferred from the orders of the Session Judge; the result is noted in the margin* and requires no remark.

* Confirmed,	4
Reversed,	2

COURT OF NIZAMUT ADAWLUT.

257. No prisoners were under reference from Rungpore to this Court at the close of the year 1835. The number referred in 1836 was 31, and they were disposed of as noted in the margin.*

* Acquitted,	3
Convicted,	25
Pending,	3
	31

258. The following is an Abstract of the Sentences passed on the prisoners convicted during the year 1836:

By the Nizamut Adawlut.

Death, ...	2
Imprisonment for life, ...	17
Imprisonment for 14 years, ...	3
Imprisonment for 7 years, ...	3
Total	25

By the Session Judge.

Imprisonment for 16 years, ...	1
Above 7 and not exceeding 14 years, ...	60
Above 3 and not exceeding 7 years, ...	58
Above 1 and not exceeding 3 years, ...	29
Less than 1, ...	9
Total	157

By the Magistrate of Rungpore and his Assistants.

6 months and not exceeding 3 years, ...	171
Less than six months, ...	797
Fined, ...	616
Security required, ...	17
Flogged, ...	3
Total	1604

By the Joint Magistrate of Bograh and his Assistants.

6 months and not exceeding 3 years, ...	147
Less than 6 months, ...	83
Fined, ...	125
Security required, ...	3
Total	352

GENERAL REMARKS.

259. The Court have much satisfaction in stating, that the administration of Criminal Justice in Rungpore and the Joint Magistracy of Buggoorah appears to

be in a very satisfactory state, and much credit is due to Mr. James, the Magistrate, and to Messrs. Taylor and Yule, the Officers who have been in charge of the Joint Magistracy during the past year. Mr. James, the Court believe, had no Revenue duties to attend to; which shews that the Police and Criminal business of a District can be readily placed on an efficient footing by an active and attentive Officer, who can devote his whole time to the particular duty. The Annual Report for 1835 shewed that the District was in a very unsatisfactory state.

260. Some irregularities were observable in the trials submitted to the Court by Mr. Shaw, the Session Judge; due notice however was taken of them at the time by the revising Judges. Mr. Shaw had very heavy Session duties to perform, and the Court anticipate greater regularity in his proceedings in future. He will be requested to furnish the information called for in the 4th paragraph of the Circular Order of the 7th of October last, with all practicable despatch.

ZILLAH BEERBHOOM MAGISTRATE'S COURT.

261. Mr. W. J. H. Money was in charge of the Magistracy of Zillah Beerbhoom, from the 1st of January to the 14th of November inclusive, after which date, viz. from the 15th of November to the 31st of December 1836, Mr. R. M. Skinner has been Officiating.

262. At the close of the year 1835, there were 34 persons under trial, viz. 22 in Jail and 12 on Bail, or personal recognizance, 2492 persons were apprehended or summoned during the year 1836, making a grand total of 2526. These persons were disposed of in the mode noted in the margin.* The proportion of the convictions to the acquittals, led the Court in the first instance to form a favorable opinion of the state of Criminal Justice in this District; but a careful examination of the description of Miscellaneous offences, contained in Statement No. 1 renders them apprehensive that the system hitherto pursued has been irregular and objectionable.

* Acquitted, ...	869
Convicted, ...	1528
Committed, ...	37
Died, ...	2
Escaped, ...	1
Under Trial—	
On Bail.	82
Sent to the Superintendant for the Suppression of Thuggy,	7
	2526

263. The Statement noted in the margin* shews the number of persons apprehended, convicted, and acquitted in "Heinous Crimes" as well as in "Petty Offences." In heinous offences it will be observed, that the number of persons acquitted and convicted are nearly equal; a result which the Court regard as satisfactory. In petty offences again the number of persons convicted is more than double the number of persons acquitted; both the convictions however and the acquittals are swollen out, by the number of persons, who have been apprehended or summoned on charges of "neglect of duty," the Court observe that 175 distinct charges of this nature were preferred in the Magistrate's Court during the past year, in which no less than 1181 individuals were summoned to the Sudder Station. Of these persons, 346 were acquitted and discharged, and the enormous number of 835 were convicted and punished. If these acquittals and convictions were deducted from the total number of persons, acquitted and convicted in petty offences, the business of this District would be very light and the apprehensions, acquittals, and convictions, in "Petty Offences" would stand as

* Heinous Offences,....	310
Apprehended, ...	478
Acquitted, ...	212
Convicted, ...	196
Petty Offences,.....	517
Apprehended, ...	2048
Acquitted, ...	657
Convicted, ...	1332

† Petty Offences,..... 342
Apprehended, ... 867
Acquitted, ... 311
Convicted, ... 497

noted in the margin.† The Court moreover observe that 55 charges of disobedience of orders were preferred in the Magistrate's Court, during the past year; of these charges 51 persons were acquitted and discharged, and 142 convicted and sentenced: 16 persons were discharged in consequence of Razeenamehs being filed and 12 on account of the non-attendance of prosecutors.

264. The extraordinary number of persons convicted of "neglect of duty" in the District attracted the notice of the Court on a revisal of the Monthly Statements for September and October last, and the Session Judge was requested by the Court on the 11th November and 9th December last to ascertain and report the nature of the "neglect," giving an abstract of the sentences passed, together with his own opinion on the subject; Mr. D'Oyly accordingly submitted a report on this subject on the 24th December, forwarding at the same time a statement furnished by the Officiating Magistrate, giving the information called for by the Court. From these papers it would appear, that the greater number of the persons thus convicted were sentenced to fines, varying from 1 rupee to 4 annas, or to be confined for 2 or 3 days, being Gomastas, Mundles, and other persons, who had neglected to go the rounds at night. As the practice followed in this District, appeared to the Court to be open to considerable objection, and liable to give rise to very great abuse, a copy of these communications was forwarded to the Commissioner of the Division, requesting him to state whether he considered it to be indispensably necessary for the purpose of preserving the peace of the District. Copies of the letters on the subject as noted in the margin* will be submitted for the information of Government with the Annual Report for 1836, and on the receipt of the Commissioner's reply, to the Register's communication of the 27th January last, No. 304, the matter will be again brought under the consideration of the Court.

* Mr. D'Oyly's letter and enclosures, dated the 24th December 1836; 2d, letter to Commissioner dated the 27th January 1837.

265. The number of persons on Bail, in this District at the close of the year is noted in the margin.* The circumstance of no person being in custody under examination is considered to be creditable to the Officiating Magistrate, Mr. Skinner.

* On Bail, ... 82

266. One case was pending instituted under Regulation 15, 1824 at the end of the year.

*Appeals.

Criminal Trials.	
Preferred,.....	7
Confirmed, ... 6	
Modified or reversed, 1	
Pending, ... 0	
	7
Miscellaneous.	
Preferred, ...	17
Confirmed, ... 15	
Modified or reversed, 1	
Pending, ... 1	
	17

267. Ten persons were confined in default of security for good conduct.

268. The number of Appeals preferred from the decisions of the Magistrate in Criminal trials, and Miscellaneous cases is noted in the margin,* the result is considered to be satisfactory.

* Heinous Offences, ..	3
Petty ditto, ...	15
Appeals, ...	Nil.
Proceedings from other Districts,.....	9
Miscellaneous Cases,..	393
	420

269. The Criminal business actually pending in this District on the 31st December last is noted in the margin,* the statement is considered to be satisfactory.

SESSION JUDGE'S COURT.

270. Mr. D'Oyly was Session Judge of this District during the year 1836, and was occupied with the duties of the Session Court for 34 days.

271. At the close of the year 1835 no persons remained under trial in the Sessions Court, 37 persons were committed during the year 1836, and these were disposed of in the mode noted in the margin.* The number of persons convicted on trial, satisfies the Court that the commitments have been made with proper judgment.

* Acquitted, ...	2
Convicted, ...	29
Referred, ...	6
	37

272. No trial appears to have been called for at the English sittings; the sentences in three cases however being deemed by the Court to be too severe, were mitigated under the provisions of Section 5, Regulation IX. 1831.

273. No Appeals were preferred from the orders of the Sessions Judge during the past year, a circumstance very creditable to Mr. D'Oyly.

NIZAMUT ADAWLUT.

274. One person remained under trial at the close of 1835; the number referred in 1836, was 6, making a total of 7, and these prisoners were all convicted and sentenced.

275. The following is an abstract of the sentences passed on the prisoners convicted, in the District of Beerbhoom during the year 1836.

By the Nizamut Adawlut.

Death, ...	1
Imprisonment for life, ...	2
Ditto for 14 years, ...	2
Ditto for 7 years, ...	1
Ditto for 3 years, ...	1
Total	7

By the Session Judge.

More than 7 and not exceeding 14 years, ...	3
More than 3 and not exceeding 7 years, ...	5
More than 1 and not exceeding 3 years, ...	20
Less than one, ...	1
Total	29

By the Magistrate and his Assistants.

Six months and not exceeding 3 years, ...	115
Less than 6 months, ...	508
Fined, ...	858
Dismissed, ...	39
Security required, ...	8
Total	1528

GENERAL REMARKS.

276. The statements were submitted by the Session Judge, Mr. D'Oyly, with a letter dated the 31st of January 1837, regarding the average number of days, that a common trial remains pending before the Magistrate's Court in this District. Mr. D'Oyly states, that from the enquiries he has made from the time that the defendant first appears at the Magistrate's Office, to the date of sentence, is from six weeks to two months, but if the time be calculated from the date of apprehension in the Mofussil until the date of sentence as has been hitherto the custom in this Zillah, "the average will be about 125 days, or say about three months and a half."

Total of all cases during the year	Disposed of within one month	Ditto within two months	Ditto within three months.	Detailed explanation of causes which prevented the remaining suits being disposed of.
1000	300	360	200	

Heinous (and another) for Petty Offences

277. The Court observe, that this is a state of things which calls for immediate remedy; it appears perfectly preposterous, that any cases (save perhaps some intricate ones of murder, dacoity or highway robbery) should remain undecided in the Magistrate's Court, for 125 days. The Court will direct that the Magistrate be immediately called upon to furnish a detailed explanation of the mode of proceeding, that has obtained in the investigation of charges, preferred in the Mofussil before the Police Darogahs, and at the Sudder Station before the Magistrate himself, both in heinous and petty offences; entering into a detail of the proceedings from the day that the charge is preferred, until the prisoner may be finally acquitted, convicted, or committed for trial before the Session Court according to the forms noted in the margin.* The Court will request that the Session Judge himself pay particular attention to the instructions contained in the 5th, 6th and 7th paragraphs of Mr. Secretary Macsween's letter to the Register of this Court, dated the 10th November 1834, copy of which was circulated for the information of the Commissioners and Session Judges on the 12th of December 1834, No. 155.

278. From the date of the commitment of a case to the Sessions Court until the final disposal of the same by the Session Judge the time has been during the past year, about 20 days. No delay, Mr. D'Oyly observes, has occurred in taking up a case after the witnesses were in attendance, and from the date on which all parties were declared ready, the average time was not more than 5 days.

279. From the foregoing remarks, the Court cannot consider the state of Criminal Justice in this District to be either prompt or efficient, in the Magistrate's Court. It is clear that very little control has been practically exercised by the Commissioners, the introduction of Act VII. 1835 by which the whole of the duties connected with Criminal Justice, have been transferred to the Session Judge, will doubtless lead to a considerable improvement in this Department, and the careful manner in which Mr. D'Oyly has submitted his trials and monthly Jail Delivery Statements, lead the Court to anticipate considerable advantage from his immediate superintendance of the Magistracy.

CITY MOORSHEDABAD MAGISTRATE'S COURT.

280. Mr. R. Torrens was Magistrate of this District, from the commencement of the year up to the 10th of September, and from that date,

to the close of the year, the Honorable Mr. Forbes has been in charge of the District.

281. At the close of the year 1835, there were 103 persons under trial, viz. 40 in Jail, and 63 on Bail, or personal recognizance. 2047 persons were apprehended, or summoned, during the year 1836, making a grand total of 2150; and these persons were disposed of in the mode noted in the margin.* This statement is considered to be very unsatisfactory, and clearly shews that the Magistrate and his subordinate officers have evinced very little judgment, or discretion, in the apprehension of persons, charged with the commission of offences, and that the general supervision exercised over the Criminal business of this District, has been exceedingly inefficient.

* Acquitted,		1313
Convicted,		588
Committed,		78
Died,		4
Escaped,		1
Under Trial—		
Jail,	38	166
Bail,	128	
		2150

282. The statements noted in the margin,* exhibit the number of persons that have been apprehended, acquitted, and convicted by the Magistrate and his Assistants, in "Heinous" as well as in "Petty offences." The proportion of acquittals to convictions is unsatisfactory in both. The Court observe, that the Magistrate has omitted to enter the number of persons discharged, in consequence of Razeenamehs having been filed, and also discharged in consequence of the non-attendance of Prosecutors, although expressly required by the Circular Order of the 23rd December 1836, to furnish this information.

* Heinous Offences, ..	174
Apprehended,	1115
Acquitted,	670
Convicted,	276
Petty Offences,	155
Apprehended,	1035
Acquitted,	633
Convicted,	312

283. The number of persons in Jail, or on Bail, on the 31st of December last, is noted in the margin,* and requires no remark.

* In Jail,	38
On Bail,	128

284. Three cases were pending in this District, under Regulation XV. of 1824.

285. Twenty-six persons were in confinement in default of security for good conduct, at the end of the year.

286. The number of appeals preferred from the decisions of the Magistrate in Criminal trials, and also in Miscellaneous cases, and the result thereof is noted in the margin,* the orders modified or reversed, in both Criminal trials and Miscellaneous cases, are numerous.

* APPEALS.		
Criminal Trials.		
Preferred,		120
Confirmed,	59	
Modified or revd,	57	
Pending,	4	
		120
Miscellaneous Cases.		
Preferred,		33
Confirmed,	13	
Modified or revd,	13	
Pending,	7	
		33

287. The Criminal business actually pending in this District on the 31st December last, is noted in the margin.* This statement calls for no remark.

* Heinous Offences,	12
Petty Offences,	96
Appeals,	3
Proceedings from other Districts,	nil
Miscellaneous Cases, ..	82
	193

SESSION JUDGE'S COURT.

288. Four officers officiated, as Session Judges of the City of Moorshedabad during the past year, viz. Mr. Middleton, from the 1st of January to the 23d of February; Mr. Oldfield, from the 28th of March to the 12th of July; the Hon'ble Mr. Melville, from the 13th of July to the 14th of August; and Mr. Gordon, from the 15th of August to the 24th of November. The time devoted by these Gentlemen to the duties of the Sessions was 52 days.

* Acquitted, ...	52
Convicted, ...	15
Referred, ...	5
Died, ...	1
Admitted as evidence,	1
Remaining for trial, ..	8
	82

289. At the close of the year 1835, there were three persons under trial; at the Sessions Court, 79 persons were committed during the year 1836 making a grand total of 82, and these prisoners were disposed of in the mode noted in the margin.* The proportion of acquittals to convictions is by no means creditable to the judgment, and discernment of the committing Magistrates; the discrepancy of one, between the Statements of prisoners committed, submitted by the Magistrate, and by Session Judge appears to arise from the circumstance of one prisoner having been admitted as evidence for the prosecution.

290. One case was called for, at the English Sittings, and in that the sentence of the Session Judge was confirmed.

* Appeals preferred, ..	2
Confirmed, ...	1
Reversed, ...	1

291. The number of Appeals preferred from the orders of the Session Judge, and the result thereof, is noted in the margin,* and requires no particular remark.

COURT OF NIZAMUT ADAWLUT.

* Acquitted, ...	1
Convicted, ...	10

292. Six prisoners were under reference to this Court, from the City of Moorshedabad, at the close of the year 1835, the number referred in 1836 was 5 making a grand total of 11, and they were disposed of as noted in the margin.*

293. The following is an abstract of the sentences passed on the prisoners, convicted in this District during the year 1836:

By the Nizamut Adawlut.

Above 7 and not exceeding 14 years,...	4
To seven years, ...	6
Total	10

By the Session Judge.

Above 7 and not exceeding 14 years,...	3
Above 3 and not exceeding 7 years, ...	3
Above 1 and not exceeding 3 years, ...	6
Less than one year, ...	3
Total	15

By the Magistrate and his Assistants.

Six months and not exceeding 3 years, ...	51
Less than 6 months, ...	181
Fined, ...	307
Required to furnish Security, ...	49
Total	588

GENERAL REMARKS.

294. The Court cannot consider the state of this District to be at all satisfactory. Numerous individuals appear to have been apprehended without any sufficient grounds, and the following extract from the Statement of prisoners acquitted, by the Session Judge at the Jail Delivery for the month of February last, shews the very irregular manner in which some of the commitments were made.

" * At a Sitting of the Assistant to the Magistrate, in January last, there fell " two Rupees, one on the ground and one on the elevated wooden platform, " on which the native Officers are accustomed to stand, while writing depositions, " and proceedings. A chuprassee picked up one of the said Rupees, gave it to " the Assistant, and then an enquiry ensued, as to who had dropt the money; " suspicion fell, (though it is not very clear why) on the prisoner, who was writ- " ing on the platform at the time, and he was therefore committed for trial, on a " charge of bribery. The case rested entirely on the deposition of a man, whose " complaint was being investigated at the moment the two rupees fell down, and " this complainant declared, those rupees to have been given to the prisoner, by " the opposite party, with a view to injuring the complainant's case. There is " not a particle of evidence against the prisoner, except that of the complainant, " (about whose soundness of mind I have doubts) who is made both prosecutor and " witness, and whose testimony I hold to be altogether worthless. The prisoner " has served the Company many years, and bears an excellent character, while " considering, that the platform was surrounded by numbers of people, in a " crowded Cutcherry, the money might have dropped from any one of a hundred " persons, as well as from the prisoner."

* Kesobnath Roy charged with bribery and corruption.

" The person* charged with Bribery, is the Peshkar of the Magistrate's " Office, and is a respectable and old public servant, he having served the Company " 24 years, and, as far as I can learn, with credit. A woman having preferred a " complaint was persuaded by two persons (the chief evidences in this case, and " both which persons have undergone sentences of imprisonment, in the common " jail) that the only mode, whereby her case could be brought to speedy hearing, " and she released from attendance (which she had begun to find irksome) at the " Assistant's Court; was by bribing the prisoner. She is accordingly sworn to " have given, for this purpose, 9 Rupees to the two persons afore alluded to, who " evidently I think made her a cat's paw, fit indeed was she to act in that capa- " city, she being an inhabitant of a distant village, ignorant and credulous. Hav- " ing given the money she was next persuaded to state the fact, in a petition to " the Foujdarry Court, which she did. The stamp on which such is written, has " the name of one of the principal witnesses (a jail bird) endorsed upon it, as the " purchaser. The prisoner alleges a conspiracy against him, and I think satisfac- " torily proves the existence of such, by respectable evidence for his defence; I " have accordingly suggested to the Magistrate, in a proceeding of this date, the " propriety of indicting the two witnesses for conspiracy. There is not a little of " evidence to the fact of the Peshkar having received the bribe. That the woman

* Meer Abdool Rezah charged with bribery and corruption.

" gave the money to those who persuaded her, that a bribe is requisite, I have " little doubt, and I have as little that the money was retained by the parties, who " did so persuade her, who I look upon in the light of conspirators against the " public Officer thus acquitted."

295. The following case, taken from the Monthly Jail Delivery Statement of August last, appears also to shew a considerable want of activity on the part of the Magistrate Mr. Torrens.

* Madhub Sing charged with extortion.

" The Prosecutor before this Court, charged the prisoner,* late acting Daro- " gah of Thannah Ahsunoolla Khan, with unnecessarily stationing a guard at his " house for five or six days at his great inconvenience and annoyance, and " refusing to withdraw it, until he received a bribe of Rs. 50, which " was paid to him at the instance of his wife Diljan Begaum, a rela- " tion of the Nuwab Nazim, in the presence of several persons. Three " of these persons deposed to being present accordingly when the money " was paid, and there appeared no reason to doubt the truth of their evidence, " nor did there appear any reason why the prosecutor a respectable man should " prefer a false charge against the prisoner. On the calling for and examining " the reports made to the Magistrate on the subject, it appeared that a person named " Govind Zurgar had mentioned another person named Syud as living at the " prosecutor's, and that perhaps he, Syud, might have stolen property in his " possession. On the report of the Darogah, an order to search generally had " been issued by the Magistrate. But Govind, according to the Darogah's own " further report, positively disclaimed throughout, having said any stolen property " was in the prosecutor's house, and no search was made, nevertheless the watch " was continued and further orders requested from the Magistrate. The Begaum " had also complained at the time of the Guard being so stationed, to the Gover- " nor General's Agent, who referred the matter to the Magistrate.

" The Futwa of the Law officer convicts the prisoner on the direct evidence " and the confirmatory circumstances of extortion, and declares him liable to " Tazeer."

296. With a view still further to elucidate the discreditable state of the Police and criminal justice in this District, the Court deem it proper to record the following extract from the proceedings of the Session Judge, on the trial of Katchick Callastan, and others disposed of by the Court of Nizamut Adawlut on the 21st May, 1836. " Early in the morning of the 4th of July, 1835, three " Armenians, assistants of Indigo Factors, residing in this District, accom- " panied by an armed body of about one hundred men, proceeded to the " lands of Kamoodyar, for the purpose of cutting Indigo plant. The plant, on " the same land, being claimed by a neighbouring Zumeendar (named Gopaul " Chowdry), his people, armed too, and composing a body of equal strength with " that of the Armenians, attempted also to remove such plant. An altercation " ensued, when the two Armenian prisoners (Katchick Callastan and Petruse " Elias) mounted on horseback and, with pistols, commanded an attack upon the

" Zumeendar's party. One or both of these prisoners certainly fired their " pistols, and immediately on the discharge of their fire arms three of the " Zumeendar's men, named Hurchunder, Garachand and Kalloo, fell and never " rose. I do not think they were killed by the pistols; indeed there is no " evidence that bullets were used, and the testimony of the approver, (the third " Armenian who was present) leads to the belief, that the pistols were charged " only with shot. On the three men falling (whether from fright, or from shot, " or from being pushed over in the press) they were hacked with swords, or beaten " with clubs, by the armed retainers of the Armenians till life was destroyed.

" An elephant belonging to the Armenian party, being brought to the scene " of slaughter, the corpses were placed upon it, and while this was being done, " the Jemadar of Police, with his five Burkandazes, attracted by the reports of " the fire arms, arrived. The interference of the Police was at once, and " violently resisted by the Armenians and their armed followers, and the Jemadar's " party being put to flight, the elephant, with the corpses, the two Armenian " prisoners, and their fighting men, set off towards the Kantapore Factory, " distant five or six miles.

" Near the Cook-room of this Factory, the three corpses were by an order " of a fourth Armenian (who does not appear in this trial, but who has since been " apprehended) cut into bits, and the remains packed into boxes, or pettarahs, " and in kedgeree pots, were then carried away under the superintendence of " Petruse Elias, to the bank of the river, into which it is conjectured the corpses " were flung.

" The four native prisoners whose presence at the affray is established by " ample testimony, and by their own replies, on being first taken up, as is also " their having been conspicuous among the Armenians' fighting men, were appre- " hended near the Factory, at which the corpses had been dismembered, and by " them was found a bloody table knife (of European make) which, it is in evi- " dence, was used in cutting up the dead bodies, in which operation were also " employed, Swords, Khodallies, &c.

" On the 2d and 3d of July, the Police Darogah of the Gowass Station, saw " and conversed with the prisoner Katchick Callastan, well known to him, who " was urged to forbear hostility by using the armed men, by whom he was on " each day accompanied. The Police officer was obliged to go to his station, " but left his Jemadar to prevent if possible the disturbance which the former " functionary evidently foresaw, and which occurred the day after the superior " Police officer's departure.

" A second resistance of the Police happened on the night of the day when " the three men were killed, and on occasion of the Jemadar and Burkundazes " desiring to search the Factory of Kopla, near to which is the river, to the banks " of which the dead bodies had been conveyed in pieces as above described. " The Factory house was occupied by some " Sahib," having armed people

" within. Ingress was refused to the Police by the said " Sahib," while it was " light, but in the dark the whole party rushed forth, beat the Police and " fled."

297. The following Extract (paragraphs 2 to 11) of a letter to the address of the Register of the Court from the Honorable Mr. Melville, Officiating Judge of the City of Moorshedabad, dated the 15th of August, 1836, submitting his sentiment on the working of the present system appears to the Court to be deserving of the serious attention of Government.

" 2. I am unwilling to relinquish this charge, brief as it has been without " offering such remarks as have forced themselves on my attention, and requesting " the Court to forward them for the consideration of the Right Honorable the " Governor. I do not know whether it is regular and orderly thus to submit my " sentiments, but I am sure that public officers who feel strongly that points " affecting the character of the Government and the happiness of the people " require attention, do very ill to suppress their opinions.

" 3. The first matter I would refer to is the union of the office of Magis- " trate and Collector. This is a recent change, and having been made, I would " willingly adhere to it, but it appears to me an alteration altogether for the worse, " that it has in short, in as far as the Police of this District is concerned, entirely " failed, and I may be excused while I briefly state why I think so.

" 4. To superintend a vast mass of executive details in departments essen- " tially distinct from each other seems to require a variety of qualifications, of " experience, of shrewdness of temper, and tact in managing subordinates, rarely " combined in any individual, and therefore we have no right to expect to meet " with them in the average of the public Servants ; most of us are apt to be dis- " tracted by the variety and overwhelmed by the multiplicity of the calls upon us. " This was foreseen, and accordingly, I observe that the union of the offices of " Collector and Magistrate when first in contemplation by Government, was dis- " claimed, except where the duties of both offices were light. Now, this is a very " large and populous District, and it seems to me, that the case of the Police " and of Criminal justice together with cases of forcible dispossession from land, " and the Jail, and the roads, and the Reports and Statements, and the carrying " into effect the orders of the superior authorities, and all the vast variety of " Miscellaneous duties perpetually pressing on a Magistrate, are quite enough to " occupy the most experienced and intelligent Officer. While again the realiza- " tion of the revenue, the determining regarding sales, the charge of the treasury, " the attention to land free tenures, the superintendence of the estates in posses- " sion of Government, the settling all the various rights of land, lord and tenant, " and the various other and Miscellaneous duties of a Collector, are quite enough " to demand all the care and attention of another experienced and intelligent " Officer. By doubling up however, all these vast details under the superinten- " dence of one individual, he seems to me not to have fair play, and we almost " inevitably force upon him a loose and general, and therefore inefficient, mode of

" disposing of them. Can we wonder that the people complain? May we not " suspect that they have ample grounds of complaint?

" 5. Here we have, of Covenanted Servants, a Collector and Magistrate, " a Deputy Collector and Joint Magistrate, and a second Deputy Collector and " Joint Magistrate. To me it appears that it would be infinitely better to have a " Collector who should perform the Revenue duties, and a Magistrate for the " Magisterial. The expense would not be, or ought not to be greater than at " present. Was it heavier however, if this division of labour can be afforded in " the adjoining District of Beerbhoom, where the duties have always been light, " surely it should be granted in this vast and laborious District.

" 6. It would be easy to support this view of the case by a reference to " some of the cases which have come before me during the recent Session. In " one of the trials for instance, certain Police Burkandazes were themselves " charged with a highway robbery, committed in the day time, in the City itself. " This case first came before one Joint Magistrate, then before the Magis- " trate, and then before the other Joint Magistrate, who went to the spot to en- " quire five weeks after the offence was first reported. It seems to me manifest, " that such modes of procedure must be fatal to promptitude, consistency, and " precision of investigation, and also to the watchful, energetic, personal atten- " tion to the character and conduct of the Thannahdars and others which must be " the foundation of an efficient Police in this country. But the fault lies, I think " more in the system than in the individuals administering it, who are really I " believe zealous painstaking Officers. On the one side, the claims of the " Government for its Revenue urgently demand attention, on the other the pro- " tection of the lives and properties of the people. I am sure that some allow- " ance should be made for Officers so circumstanced, though I know not exactly " to what extent. Place them under one superintending authority and better " judgment may be formed as to what may be expected or exacted.

" 7. I will not here dwell on the support the Collector is supposed to receive " from the Magistrate in realizing the claims of the Government upon the people " because I have seen nothing of it. I will only remark that, if cases of such " support are rare, it by no means follows, that the influence exerted is inconsi- " derable. It seems to me, that the founders of our Code had rightly provided a " remedy for the disposition of the people to submit to oppression from the subor- " dinate Revenue Authorities. The natives say that formerly there might be " difficulty and opposition, when an unusual or unauthorized claim was made upon " them. Now they know the Magistrate is ready to support it, and there is no " alternative but immediate submission.

" 8. This union of the offices of Collector and Magistrate seems to me the " great existing evil. The division of duties between the Commissioner and Ses- " sion Judge recently extended to this District, is of much less importance, but " still a considerable source of vexation. In the first place, nobody understands, " under the Regulation and Orders, what appeal belongs to the Commissioner,

" and what to the Session Judge. The Commissioner sent for instance to the " Session Judge, the cases of disputed possession and boundaries. I am inclined " to concur with him that the Session Judge ought to try them, but entertaining " doubts referred the point to the Court. Now it appears that after all, the " Commissioner is to have them, so I must send them back to him; other doubtful " cases have already arisen, and if we cannot understand the rule laid down for us, " how can we expect the people to do so? The difficulty will be greater at the " beginning of course, but after all we must expect to see appellants for justice " sometimes rejected by both the Commissioner and the Session Judge, sometimes " accepted of both, and sometimes going in pursuit of the Commissioner to " Hooghly, or Burdwan, or Beerbhoom, and after all sent back to the Session " Judge at Moorshedabad.

" 9. Furthermore I observe that the Commissioner is to report on the state " of the Police and the Session Judge on Criminal Justice. Now I should like " to put it to any man conversant with our system, or indeed with any system " which is most likely to form an accurate judgment on the state of the Police; " the Judge who tries criminals and who cannot try them without observing the " whole process of their discovery and apprehension, or the Commissioner whose " primary and principal duty is the superintendence of the Revenue, and whose " opinions of the Police must be mainly drawn from the numerical Statements of " crimes which are transmitted through him. These figured Statements have " their value certainly, but I have seen them shewing all was right and a month " after a whole District in rebellion and disorder from the most oppressive mis- " government. We seem to have withdrawn from the Commissioner all the mate- " rials on which to found his Police report and still to require him to furnish it. " If the strength of the expression may be pardoned perhaps it is not too much " to say that the Criminal Judge can scarcely be a bad reporter, the Commis- " sioner can scarcely be a good one. The Circular Orders of the Nizamut " Adawlut of the 4th June 1812, conveying the views of the Court of Directors " on this point, repeat twice over the conviction of the Court that the Judges of " Circuit (that is, under the present system Session Judges) in the course of the " execution of their official duties have the best opportunity of observing the " practical effects of the Police Laws, and indeed of the influence of the laws " generally on the happiness of the people.

" 10. In the course of the Sessions I had occasion to bring the conduct of " a Darogah in one case and of two Burkandazes in another before the Com- " missioner. In my very humble judgment it appears desirable that this also " should be altered. The great complaint at present I understand is that the " public servants are not equal to the performance of all the work to be done, and " here we have too highly paid high class functionaries sitting successively in " judgment on matters which their subordinates, viz. any Magistrate is compe- " tent at once to dispose of. The authority who has had all the facts enabling " him to form a judgment before him refers to another equal in rank who knows " nothing about them, and it appears to me that public time is consumed for the " purpose of having the business worse done.

"11. Upon the whole it seems to me that a great effort has been made to unite "to a considerable extent the superintendence of the Revenue, of the Police and "of Criminal Justice. Seven years have elapsed and have proved the insuffici-"ency of the scheme. First, the Commissioners were relieved of the Sessions, "now other Criminal duties have followed, and I think the sooner we get rid of "the few remaining connecting links the better, both for the Government and "the people. At all events it seems desirable that the various advantages and "disadvantages of the present system should be fairly weighed and examined."

298. The Court remark that they have already in their Special Report to Government dated 2d December 1836, No. 2809, paragraph 3, and in the Annual Report of Criminal business for 1834 dated 22d December 1836, No. 2951, explicitly stated that in their opinion it is impracticable for one Officer to perform the duties assigned to him as Magistrate and Collector of a District in Bengal, with satisfaction to himself or with benefit to the public service, and have most strongly urged the immediate separation of the offices, observing at the same time that unless the individual selected for the Magistracy, was an Officer of considerable experience and of well known activity, intelligence and ability, they did not anticipate any marked reform in the Police.

299. With reference to the observations contained in the 8th paragraph of Mr. Melville's letter, the Court observe that a case has actually been before the Court, in which the appellant was refused by both the Commissioner and the Session Judge. It was the case of a Burkandaze who had been dismissed from office and sentenced by the Magistrate to six months imprisonment,—he appealed to the Session Judge who considering him a Police Officer, desired him to appeal to the Commissioner, he did so, and the Commissioner considering it a Criminal trial, told the appellant he could not interfere, and referred him back to the Session Judge. The man finally appealed to this Court, and the Court were obliged to direct the Session Judge to receive and decide that part of the appeal which related to the sentence of imprisonment, and the Commissioner to decide on the propriety of the appellant's dismissal from office. These anomalies ought to be rectified and the whole of the Criminal duties, including the appeals from cases decided under Regulation XV. 1824, placed exclusively under the Session Judges.

300. In the remarks recorded on the Statements for the 24-Pergunnahs, the Court have recommended that the Session Judges should be competent to order the immediate dismissal from office, of any Police or Ministerial Officer, who may appear in the course of any Criminal trial, to have been guilty of any gross misconduct. The system at present followed being for the reasons set forth by Mr. Melville exceedingly objectionable.

BURDWAN MAGISTRATE'S COURT.

301. By the Circular Order of the 9th of December 1836, the Magistrate of Burdwan was (together with some other information) requested to furnish the

name of the Officer in charge of the District during the past year, and if more than one, the date on which each delivered over, and assumed charge of the Zillah. In submitting this information Mr. Skipwith has made the following return: "Mr. "F. Skipwith received the charge of this Magistracy from Mr. Ravenshaw on "the 20th of December 1836: omitting to inform the Court of the name of the Magistrates in charge of the District from the 1st of January to the 20th of December 1836; a remissness to the express orders of the Court, which they notice with much dissatisfaction.

302. The Magistracy of the District of Burdwan was in fact under charge of the following Officers, during the year 1836: Mr. W. Taylor from the 1st of January to the 13th of December; Mr. Ravenshaw from the 13th of December to the 20th; and Mr. F. Skipwith from the 20th to the 31st.

* Acquitted,		2169
Convicted,		1103
Committed,		94
Under Trial—		
Jail,	18	78
Bail,	58	
		3442

303. At the close of the year 1835, there were 738 persons under trial, viz. 31 in jail and 707 on bail, or personal recognizance. 2704 persons were apprehended or summoned during the year 1836: making a grand total of 3442. These persons were disposed of in the mode noted in the margin.*

* Heinous Crimes,	268
Apprehended,	1067
Convicted,	208
Acquitted,	657
Petty Offences,	1008
Apprehended,	2575
Convicted,	905
Acquitted,	1512

304. The statement given in the margin,* shews the number of persons apprehended, convicted and acquitted. The vast proportion of acquittals to convictions, in both "Heinous" and "Petty Offences" is very unsatisfactory, and evinces little discrimination or judgment on the part of the Magistrate, or his subordinate Officers, in the apprehension of persons charged with Criminal offences, and a careful examination of Statement No. 1, satisfied the Court that the administration of Criminal justice in Burdwan is in a most inefficient state. The Court observe that of 77 persons apprehended on a charge of murder, 57 were at once discharged by the Magistrate; of 56 persons charged with Dacoity, attended with murder, 46 were in like manner immediately discharged; of 128 persons apprehended and charged with Dacoity, 93 were acquitted by the Magistrate; of 70 persons charged with Burglary, 47 were released by the Magistrate, of 296 persons charged with Theft, 196 were released by the Magistrate; of 404 persons charged with neglect of duty, 220 were discharged by the Magistrate; and of 336 persons charged with the indefinite offence of "bad character," no less than 228 were acquitted and discharged. The Court consider the above details to be extremely discreditable to the Magistrate of the District.

305. In explanation of the great disproportion, between the persons convicted and acquitted, Mr. Skipwith remarks as follows: "The disproportion "between the convicted and acquitted is not altogether under the control of the "Magistrate; the Darogahs in exercising their judgments apprehend in every "case, suspected persons, whether there is or is not, any proof against them; "they have several times been fined and a rather better class of men having been "with difficulty obtained, I do not apprehend, that the same disproportion will be "observable for the future." The Court observe that the disproportion between the acquittals and convictions in the year 1835, was equally great; and they do not anticipate any improvement in this respect until the Magistrate of Burdwan

shall be relieved from his fiscal duties, and be enabled to pay proper attention to the state of the Police and Criminal justice.

306. The Court cannot moreover concur with Mr. Skipwith in considering the disproportion between "the convicted and acquitted" not to be under the control of the Magistrate; on the contrary, in their opinion, the efficient state of a District, must depend entirely on the personal character of the individual selected to fill that responsible office. The suppression of heinous offences, and the general happiness and comfort of the people, must mainly rest on the vigilance with which the Subordinate Police Officers are superintended, controlled and stimulated to exertion by their immediate superior. On this subject the Court cannot do better than place prominently on record, extract of a note recorded on the 16th of October last, by their late lamented colleague, Mr. Charles Barwell, whose high reputation as a successful Officer of Police, ought certainly to obtain for what he has advanced, the serious attention of Government: "Let the Magistrates be fit for their duty; let them be assured "of adequate support, while their conduct is legal and zealous; let them have in "their immediate superior a guide to advise and aid them in difficulties; and let "them be persuaded, that their exertions will be fairly laid before Government, "that they will neither be misrepresented nor misconstrued, and even the present "defective machinery of Police Darogahs and Burkundazes, with Jemadars and "Buxshees, may be made to yield good service, and to afford effectual protection "against the prevalence of serious crimes. I do not advance this as an argument "against the improvement of the actual Native Police Establishments to the "greatest extent which may consist with the liberality of Government, but chiefly "to shew, that the main point is to be sought in the qualifications of the Magis-"trate. Activity, firmness, judgment and a humane just disposition in him, will "more certainly and rapidly convert a worthless Native Police Establishment into "one that is efficient and serviceable, than any amount of money which Govern-"ment could reasonably afford to expend, or than any other means which are "available to add to the resources placed at the Magistrate's disposal."

307. Regarding the necessity of separating the offices of Collector and Magistrate, the Court have much satisfaction in placing on record, the following extract from a very able note recorded by Mr. T. C. Robertson on the 27th of October last, which entirely accords with the opinions of the present Judges of the Court. "The union of the offices of Collector and Magistrate, in itself cal-"culated to weaken the Police, seems to ensure its gradual yet rapid decline, "when accompanied by an impression, that it is in his former character that the "double-dutied functionary, may best hope to win the favor and approbation of "those above him. From the glimpses of what is passing in the Mofussil which "I have been able to obtain, through the medium of Criminal trials, I am led to "suspect that this impression is very generally prevalent, and I can recall several "circumstances that certainly go far to give a colour of probability to such a "belief. One among others I may allude to as in the recollection of all of us, "viz. the singular fact, that in summing up the character of the Magistrates in "their several Divisions, hardly a single Commissioner made any allusion what-

"ever, to the state of the Police; and not one dwelt upon it as a primary test of "merit.

308. "But what I maintain is, that no machinery, however artfully con-"structed, will be found to answer, if the great truth be lost sight of, that it is on "the character and capacity of the presiding European functionary, that its prac-"tical working must mainly depend. To put this in the strongest light, let us "suppose a case of two Districts, the one with every remedy applied that recent "ingenuity has ever dreamt of, a graduated scale of Darogahs, Native Superinten-"dants of Police, with high salaries, and disinterested European settlers consent-"ing to exercise power, with no salaries at all, but with a languid sluggish apa-"thetic Magistrate at its head; the other District with the present class of ill "paid Darogahs, without the aid of high Native coadjutors, and with European "settlers who are the objects, and not the Agents of Police; but with an intelli-"gent, stirring, determined, Magistrate to preside over it. Will any man, "who has served a single year in the Mofussil, seriously maintain that the "former District would have any chance of being the best managed of "the two? I think not; and I therefore think, that it is by securing "the services of a body of intelligent high minded English Magistrates, and "by that alone, that the improvement of the Police can with any certainty be "effected."

309. Fifty-nine persons were released in consequence of Razeenamehs being filed, and 54 from the non-attendance of Prosecutors. 2056 persons are stated to have been acquitted for want of proof; to which statement the Acting Magistrate, Mr. Skipwith, adds the following note: "These were apprehended "by the Darogahs on suspicion, and the Darogahs have in consequence been "fined." Now as these 2056 individuals include every person, who has been discharged for want of proof, in this District, the Court conclude, that a considerable portion (probably one half) of these individuals were apprehended and summoned to the Sudder Station, not by the Darogahs, but by warrants or summonses issued by the Magistrate, the Joint Magistrate, the Assistants, the Principal Sudder Ameens, the Sudder Ameens, and the Law Officers; all of whom are vested with, and have exercised Criminal jurisdiction, during the past year; the Court notice this error, merely for the purpose of pointing out the little attention that is paid by the Magistrate in the preparation of the Criminal Statements, to be submitted to this Court; arising either from want of leisure to revise these returns, owing to a pressure of business in the Revenue Department, or, as is suspected by Mr. T. C. Robertson, in his note above alluded to—"from an impression, that it is in his former character, that the double-dutied functionary, may best hope to win the favor and approbation of those above him."

310. The number of persons in Jail, or on Bail, on the 31st of December last, is noted in the margin.* The great improvement that is observable in this statement, from that submitted for 1835, at the close of which year, there were 31 prisoners in Jail, and 707 persons on Bail, is creditable to the late Magistrate, Mr. Taylor, by whom this improvement was effected.

* In Jail, ... 18
On Bail, ... 58

311. No cases were pending under Regulation XV. of 1824 in this District at the close of the year.

312. Twenty-six persons were confined in default of security for good conduct, on the 31st December last.

313. The number of Appeals preferred from the decisions of the Magistrate and Joint Magistrate in Criminal trials, and also in cases of a Miscellaneous nature and the result thereof is noted in the margin.* The number of Appeals preferred, as well as the number of orders modified or reversed in Criminal trials, appears to the Court to be unusually large.

* APPEALS.

Criminal Trials.		
Preferred,		76
Confirmed,	35	
Modified or reversed,	33	
Pending,	8	
		76
Miscellaneous Cases.		
Preferred,		21
Confirmed,	11	
Modified or reversed,	6	
Pending,	4	
		21
* Heinous Offences,		2
Petty ditto,		63
Appeals,		2
Proceedings from other Districts,		29
Miscellaneous Cases,		86
		182

314. The Criminal business actually pending in this District on the 31st of December last is noted in the margin.* The Court apprehend that this return is erroneous, and that it does not contain all the Criminal business actually pending on that date. The Court remark, that three Principal Sudder Ameens, two Sudder Ameens, and one Law Officer were employed in deciding Criminal cases during the past year; yet in the return now before the Court, purporting to be an accurate return of the Criminal business actually pending on the 31st of December 1836, not a single case is entered as pending before any one of the abovementioned native functionaries. The Court will therefore direct, that the Magistrate be required specifically to state, whether any cases were or were not pending before these officers, at the close of the year; and should it appear that any cases were really pending, that he will explain the causes that led to their not having been entered in his return. The Magistrate will furnish this explanation through the Session Judge who will be requested to favor the Court with his own observations and remarks on the subject.

315. The Court regret to observe, that the Commissioner Mr. Lowis has omitted to furnish the information called for in the 4th paragraph of their Circular Order of the 7th of October 1836. The Session Judge will now be requested to supply this information for the Magistrate's Court as well as for his own. A copy of the Circular Order of the 7th of October last having been furnished to the Magistrate, it ought to have been furnished by Mr. Skipwith, without rendering it necessary for the Court to call upon him a second time.

JOINT MAGISTRACY OF BANCOORAH.

316. Mr. W. H. Elliott officiated as Joint Magistrate of Bancoorah, throughout the year 1836.

317. At the close of the year 1835, there were 50 persons under trial, viz. 9 in Jail, and 41 on Bail, or personal recognizance: 1116 persons were apprehended or summoned during the year 1836: making a grand total of 1166: and these persons were disposed of as noted in the margin.*

* Acquitted,		373
Convicted,		729
Committed,		21
Died,		31
Under Trial—		
Jail,	1	12
Bail,	11	
		1166

318. The statement given in the margin,* shews the number of persons apprehended, convicted, and acquitted in "Heinous Crimes" as well as in "Petty

* Heinous Crimes, ... 106

Apprehended,	280
Convicted,	139
Acquitted,	98
Petty Offences,	325
Apprehended,	886
Convicted,	590
Acquitted,	275

Offences." The proportion of convictions to acquittals is satisfactory both as regards "Heinous Crimes" and "Petty Offences"—305 persons were convicted and punished for neglect of duty, or disobeying orders; 7 were released in consequence of Razeenamehs being filed, and 2 from the non-attendance of Prosecutors. The Court remark that the detail of Miscellaneous Crimes, and the figured Statement annexed thereto, is engrossed in such very small hand writing, as to be scarcely legible; they will request the attention of the Joint Magistrate to this in future.

* In Jail,	1
On Bail,	11

319. The number of persons in Jail, or on Bail, on the 31st December last, is noted in the margin.* This return is very creditable to the Officiating Joint Magistrate Mr. Elliott. The Court observed on an inspection of the December Monthly Statements, that 4 individuals had been on Bail, on the 31st of that month, since January 1836. The Magistrate stated, that the case of these men awaited the orders of the Commissioner of Circuit, to whom the circumstances had been fully reported. As this explanation did not appear to the Court to be satisfactory, the Commissioner has been requested to report to the Court the cause of the delay.

320. No cases were pending under Regulation XV. of 1824 in this Joint Magistracy at the close of the year 1835.

321. Eight persons were confined on requisition of security for good conduct, at the close of the year 1836.

* Appeals.		
Criminal Trials.		
Preferred,		34
Confirmed,	24	
Modified or reversed	4	
Pending,	6	
		34
Miscellaneous Cases.		
Preferred,		13
Confirmed,	6	
Modified or reversed	4	
Pending,	3	
		13
* Heinous Offences,		nil.
Petty ditto,		20
Appeals,		1
Proceedings from other Districts,		2
Miscellaneous cases,		50
		73

322. The number of Appeals preferred from the decisions of the Joint Magistrate, in Criminal trials and also in Miscellaneous cases, and the result thereof, is noted in the margin.* The result of the Appeals is creditable to the Joint Magistrate.

323. The Criminal business actually pending in this Joint Magistracy on the 31st December last is noted in the margin.* This return is considered very satisfactory.

324. The Session Judge will be requested to furnish the information called for in the 4th paragraph to the Circular Order of the 7th of October 1836; the Joint Magistrate and the Commissioner having both neglected to do so.

SESSION JUDGE'S COURT.

325. Mr. J. Curtis was Session Judge of Burdwan, during the past year, and was employed for 77 days in the duties of the Sessions.

* Acquitted,	19
Convicted,	72
Referred,	24
Under trial,	17
	132

326. At the close of the year 1835, there were 43 persons under trial from Burdwan, 88 persons were committed by the Magistrate during the year 1836; and one person was received back, after reference to the Nizamut Adawlut; making a grand total of 132. These persons were disposed of, in the mode noted in the margin.* These results are deemed satisfactory by the Court.

327. At the close of the year 1835, there were no persons under trial from Bancoorah., 20 prisoners were committed during the year 1836, and they were disposed of as noted in the margin.*

* Acquitted, ...	3
Convicted, ...	11
Referred, ...	3
Under trial, ...	3
	20

328. One trial was called for at the English Sittings, during the past year, and in that the sentence of the Session Judge was enhanced. One sentence was also mitigated, on an inspection of the Monthly Jail Delivery Statements, under Regulation IX. 1831.

329. Five Appeals were preferred from the sentences passed by the Session Judge, and the order in each case was either modified or reversed.

COURT OF NIZAMUT ADAWLUT.

330. Two cases were under reference from Burdwan to this Court, at the close of the year 1835. The number referred in 1836 was 30; making a grand total of 32, and they were disposed of as noted in the margin.*

* Acquitted, ...	13
Convicted, ...	16
Returned, ...	2
Under trial, ...	1
	32

331. The following is an abstract of the sentences, passed on the prisoners, convicted in this District, including the Joint Magistracy of Bancoorah, during the year 1836:

By the Nizamut Adawlut.

Death, ...	2
Imprisonment for 14 years, ...	13
Imprisonment for 1 year, ...	1
Total	16

By the Session Judge for Burdwan.

Above 7 and not exceeding 14 years, ...	31
Above 3 and not exceeding 7 years, ...	21
Above 1 and not exceeding 3 years, ...	18
Less than one year, ...	2
Total	72

By the Session Judge for Bancoorah.

Above 7 and not exceeding 14 years, ...	2
Above 3 and not exceeding 7 years, ...	6
To 3 years, ...	3
Total	11

By the Magistrate of Burdwan and his Assistants.

Six months and not exceeding 3 years,...	83
Less than 6 months, ...	104
Fined, ...	801
Security required, ...	115
Total	1103

By the Joint Magistrate of Bancoorah and his Assistants.

Six months and not exceeding 3 years,...	67
Less than 6 months, ...	368
Fined, ...	217
Security required, ...	34
Discharged from Service, ...	42
Whipped, ...	1
Total	729

GENERAL REMARKS.

332. The Court consider the state of the Burdwan District to be very unsatisfactory. They apprehend however that the present state of this zillah (formerly when under Mr. J. H. Patton was in the highest state of efficiency) arises more from the errors of the present system than from any want of zeal or activity on the part of the Magistrate who has been principally in charge, during the past year. The Court deem it their duty therefore to suggest the immediate separation of the Collectorship from the Magistracy. Regarding the Joint Magistracy of Bancoorah, Mr. Elliott has been successful in keeping that jurisdiction in order. It is however to be remarked, that the Criminal business in Bancoorah, does not appear to be above one-third of that of Burdwan.

333. Mr. Curtis has conducted the duties of the Sessions much to the satisfaction of the Court; and they hope now that Act VII. 1835 has been introduced into the District, that he will give the Magistrates the benefit of his advice and experience in all cases of difficulty, and that by carefully superintending their proceedings, and examining the Returns and Statements laid before him each month, he will be enabled to ascertain the general state of Criminal Justice to check that which is wrong and to bring the successful exertions of the Magistrates to the immediate notice of the Court.

334. In concluding their remarks upon the state of the District, the Court deem it proper, to annex the following extract of a letter from Mr. Macan, the Officiating Additional Judge, dated the 2nd of Feb-

ruary 1837. Mr. Macan's remarks are worthy of the attention of Government, founded as they must be on what has come under his own personal observation during the two last years that he has been stationed in the District. "One re-"mark I would however make, which is, that no inducements of economy, and no "principles of expediency, ought ever to lead the Government to appoint young, "inexperienced, and ill paid men, to the situations of Magistrates. Should the "Government place the persons, the rank, the respectability, and the character "of the natives of India, under the power of a Magistracy, composed of young "men, hurried out of the Fort William College, or rejected by the Revenue "Boards as not active and intelligent enough, for the Revenue Department, the "evils arising from such a system of administration may be such, as to make the "British rule, even more unpopular than it is amongst the natives of the country.

"There are already too many young men, holding the situation of Magis-"trates, and complaints are every where daily increasing, of the hasty, arbitrary, "and unjust manner, in which the Magisterial duties are conducted; the present "evil arises out of that system, which has of late been carried to a most unpre-"cedented extent, of having almost all the Civil Appointments in the country, "filled by Acting men. There may be a saving to the Government Treasury in "this system, but it has introduced the greatest possible confusion into many "departments of public business, and the frequent changes which are going on "in the Magistracy, one inexperienced Assistant following another, in rapid suc-"cession, must cause the greatest dissatisfaction, not only to the native popula-"tion of the country, but also to all Europeans and East Indians, who may have "any thing to do with our Criminal Courts."

ZILLAH HOOGHLY MAGISTRATE'S COURT.

335. Mr. Samuells was in charge of this District from the 1st of January until the 5th of December of the past year, and on his proceeding into the interior, the Assistant Mr. Grote assumed charge of the Magistracy with full powers at the Sudder Station.

336. At the close of the year 1835, there were 173 persons under trial, viz. 30 in Jail and 143 on Bail, or personal recognizance. 3,062 persons were apprehended, or summoned during the year 1836, making a grand total of 3,235; and these persons were disposed of in the mode indicated in the margin.*

337. The statement, given in the margin,* shews the number of persons apprehended, convicted, and acquitted in "heinous crimes," as well as in "petty offences." The Court do not consider this statement to be satisfactory, either as regards the "heinous crimes," or the "petty offences." Of the persons apprehended for "heinous crimes," not one-third have been convicted, and of the persons apprehended, or summoned, in "petty offences," not one-half have been convicted and punished. Amongst the acquittals, the Court observe 148 persons charged with "neglect of duty," and 204 persons apprehended on charges of being bad characters, all of whom were ultimately acquitted and discharged.

* Acquitted,		1710
Convicted,		1385
Committed,		92
Under Trial—		
On Bail,	45	48
In Jail,	3	
		3235

* Heinous Offences,	259
Apprehended,	550
Convicted,	146
Acquitted,	319
Petty Offences,	1037
Apprehended,	2685
Convicted,	1239
Acquitted,	1391

Amongst the convictions, the Court remark 258 police officers punished for "neglect of duty," 146 persons convicted of being bad characters, 66 individuals punished for false complaints, and no less than 102 persons convicted and sentenced for "contempt of Court." This analysis of the convictions and acquittals does not impress the Court with a favorable opinion, regarding the state of Criminal Justice in the Court of the Magistrate of this District, and the number of persons punished for "contempts of Court," requires immediate explanation; this, the Officiating Magistrate will be directed to submit to the Session Judge, who, in forwarding the same to the Court, will state his own opinion as to its sufficiency or otherwise. The number of persons acquitted and discharged in consequence of Razeenamehs being filed and owing to the non-attendance of prosecutors, is noted in the margin.*

* Discharged by Razeenameh, ...	141
Ditto by non-attendance of Prosecutors, ...	68
	209

338. The number of persons in Jail or on Bail on the 31st of December last, is noted in the margin.* The small number of persons in confinement, is considered to be satisfactory.

* In Jail, ...	3
On Bail, ...	45

339. No suits instituted under Regulation XV. 1824, were pending in this District at the close of the year.

340. 126 persons were confined in default of security for good conduct, on the 31st of December last. The number is considered to be unusually large, and the Session Judge will be requested to furnish the Court with his opinion on this subject, after having called on the Magistrate for such explanation as he may wish to record.

341. The number of Appeals, preferred from the decisions of the Magistrate in Criminal trials, and also in cases of a Miscellaneous nature, and the result thereof, is noted in the margin.* The number of convictions and orders reversed appear to the Court to be numerous in cases of a Miscellaneous nature. Of the 163 orders confirmed, in Criminal trials 75 were rejected, the petitions of appeal having been illegally presented; and the Court are glad to observe that of the 70 pending, 54 were disposed of by Mr. Martin in the month of January.

*APPEALS.	
Criminal Trials	
Preferred, ...	286
Confirmed, ...163	
Modified or reversed, 53	
Pending, ... 70	
	286
Miscellaneous	
Preferred, ...	26
Confirmed, ... 6	
Modified or reversed, 18	
Pending, ... 3	
	26

342. The Criminal business actually pending in this District, on the 31st of December last is noted in the margin,* and requires no particular remark.

* Heinous Offences, ..	13
Petty Offences, ...	209
Appeals, ...	nil.
Proceedings from other Districts, ...	14
Miscellaneous Cases, ..	31
	267

SESSION JUDGE'S COURT.

343. Mr. E. J. Harington held the office of Session Judge of this District until the month of August, when, being obliged to proceed to the Presidency on sick certificate, Mr. C. R. Martin was appointed to succeed him. Mr. Martin joined the Station on the 19th of September, and officiated as Session Judge until the end of the year. The number of days devoted by these two Officers to their duties in the Sessions Court was 39.

344. At the close of the year 1835, there was one person under trial in the Session Court, 98 persons were committed during the year 1836, making a grand

total of 99, and these prisoners were disposed of in the mode noted in the margin.* The abstract of Statement No. 1 submitted by the Magistrate, shews that 92 persons were committed to the Sessions; whereas the abstract of Statement No. 12, submitted by the Session Judge, shews that 98 persons were committed during the year. This discrepancy arises from 1 prisoner having been committed by the Joint Magistrate of Bancoorah, and whose trial was removed from the District of Burdwan to Hooghly, under the provisions of Regulation VIII. 1822, and also from 2 prisoners, viz. the Nazir, and one of the Moonshees of the Magistrate's Court, having been committed on different charges of bribery and extortion; so that in fact the real number of prisoners committed, by the Magistrate of Hooghly was only 92. The result of the commitments is not in the judgment of the Court satisfactory, and an examination of the Monthly Jail Delivery Statements clearly shews that several very heavy and important commitments, were made by Mr. Samuells on insufficient grounds. The Abstract Statement of prisoners acquitted by the Officiating Session Judge, for the month of April 1836, containing full details of the trial of Golam Hosyn Nazir and Fyzl Hosein Moonshee, was submitted to Government with a letter dated 29th April 1836, No. 846, from which it would be observed, that these individuals were fully acquitted of the charges preferred against them "on clear proof of innocence."

* Acquitted, ...	47
Convicted, ...	44
Referred, ...	5
Under trial, ...	3
	99

345. No trials were called for at the English Sittings under Section 5, Regulation 9, 1831.

346. No Appeals were preferred from the orders of the Session Judge; a circumstance very creditable to Mr. Harington.

347. The average period that a prisoner in this District, remains under trial in the Magistrate's Court, is stated to be from ten days to a fortnight; after commitment to the Session Court. Mr. Martin reports, that a case is generally disposed of within a week or ten days.

COURT OF NIZAMUT ADAWLUT.

348. No prisoners were under reference from Hooghly to this Court, at the close of the year 1835; the number referred in 1836 was five, and they were disposed of as noted in the margin.*

* Acquitted, ...	1
Convicted, ...	3
Pending, ...	1
	5

349. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1836:

By the Nizamut Adawlut.

Death, ...	1
More than 3 and not exceeding 7 years, ...	1
More than 1 and not exceeding 3 years, ...	1
Total	3

By the Session Judge.

More than 7 and not exceeding 14 years,	...	...	1
More than 3 and not exceeding 7 years,	...	...	8
More than 1 and not exceeding 3 years,	...	...	34
Less than one year, ...	...	...	1
		Total	44

By the Magistrate and his Assistants.

Six months and not exceeding 3 years,	...	...	152
Less than 6 months, ...	...	...	291
Fined, ...	...	...	819
Required to furnish surety,	...	...	123
		Total	1385

GENERAL REMARKS.

350. In the report for the administration of Criminal Justice for the past year, the Court remarked, that the state of this District was susceptible of considerable improvement. The Statements now submitted, in the opinion of the Court, evince (corroborated by other circumstances) a deficiency of experience, and a want of system, on the part of the present Magistrate, Mr. Samuells; for considering that the Magistrate of Hooghly has very properly no fiscal duties to perform the Criminal Justice of this District ought to be placed on the most efficient footing.

351. The Session duties of this District were conducted by Mr. Harington during the period he was in charge of the office, to the entire satisfaction of the Court, and the creditable manner in which he disposed of the trial of "Aluck Sha," alias, "Rajah Pertab Chand Bahadur," was brought to the favorable notice of Government in two letters from the Court addressed to Mr. Secretary Mangles dated 2d and 23d September 1836 (No. 2071 and 2258). The Court have also had every reason to be satisfied with the mode in which Mr. Martin has hitherto conducted his Criminal duties.

ZILLAH DACCA MAGISTRATE'S COURT.

352. Mr. F. C. Scott was in charge of the Magistracy of this District from the 1st January to the 28th April, Mr. Law from the 28th April to the 24th August, and Mr. J. Grant from that date to the end of the year.

353. At the close of the year 1835, there were 43 persons under trial, viz, 15 in Jail and 28 on Bail—953 persons were apprehended or summoned during the year 1836, making a grand total of 996. These persons were disposed of in the mode noted in the margin.*

* Acquitted, ...		297
Convicted, ...		551
Committed, ...		112
Died, ...		1
Still Pending—		
In Jail, ...	3	35
On Bail, ...	32	
		996

354. In forwarding the Statements for this Division,* the Commissioner, Mr. Gordon, excuses himself from submitting any report on the state of the administration of Criminal Justice by observing, that owing to his want of experience and local knowledge, he could give no information beyond what the statements themselves exhibit.

* Dacca, Furreedpore, Mymensingh, Sylhet.

355. The statement noted in the margin,* shews the number of persons that have been convicted and punished by the Magistrate and his Assistants, both in "Heinous" and "Petty offences," and the Court consider the same to be satisfactory. 53. Chokeedars or Police are included in the number of persons "convicted" and "sentenced," who appear to have been punished for "neglect of duty." 8 persons only were released in consequence of Razeenamehs being filed, and nine from the non-attendance of the prosecutors.

* Heinous Offences, ..	140
Apprehended, ...	307
Acquitted, ...	108
Convicted, ...	106
Petty Offences,.....	330
Apprehended, ...	689
Acquitted, ...	190
Convicted, ...	445

356. The number of persons in Jail or on Bail, on the 31st December last, is noted in the margin,* and is considered to be creditable to the Magistrate.

* In Jail, ...	3
On Bail, ...	32
	35

357. One case only was pending under Regulation XV. 1824 at the end of the year.

358. Eight persons were in confinement in default of security for good conduct on the 31st December last.

359. The number of Appeals preferred from the decisions of the Magistrate in Criminal trials and Miscellaneous cases, is noted in the margin;* the number of orders modified or reversed in Miscellaneous cases appears to the Court to be large.

* APPEALS.		
Criminal Trials.		
Preferred,.....		54
Confirmed,.....	21	
Modified or reversed	17	
Pending, ...	16	
		54
Miscellaneous.		
Preferred,.....		32
Confirmed, ...	15	
Modified or reversed	16	
Pending, ...	1	
		32

360. The Criminal business actually pending in this District on the 31st December last, is noted in the margin.* The number of Miscellaneous cases is rather heavy, but with that exception, the state of the business actually pending, is considered very satisfactory.

* Heinous Offences, ..	2
Petty Offences,.....	22
Appeals, ...	20
Proceedings from other Districts, ...	40
Miscellaneous Cases, ..	465
	549

361. Mr. W. H. Martin was Joint Magistrate of Furreedpore,* from the 1st January to the 9th August last, on which date Mr. Garrett took charge of the Office. Mr. Garrett appears to have proceeded into the interior on Revenue duty, on the 2nd December, and the charge of the Joint Magistracy then devolved on the Assistant Mr. Bell.

* Furreedpore.

362. At the close of the year 1835, there were 203 persons under trial, viz, 57 in Jail and 146 on Bail—1565 persons were apprehended or summoned during the year 1836, making a grand total of 1768. These persons were disposed of in the mode noted in the margin,* and the general result may be considered as very satisfactory.

* Acquitted, ...		470
Convicted, ...		1129
Committed, ...		102
Still Pending—		
In Jail,.....	13	67
On Bail, ...	57	
		1768

363. The statement noted in the margin,* shews the number of persons apprehended, convicted and acquitted by the Joint Magistrate and his Assistants in

* Heinous Offences,.....	120
Apprehended, ...	405
Acquitted, ...	172

Convicted, ... 136
Petty Offences,..... 3048
Apprehended, ...1363
Acquitted, ... 298
Convicted, ... 993

"Heinous" as well as in "Petty" offences; amongst the persons convicted and sentenced for "Petty offences," the Court remark that 52 persons have been punished for "false complaints," and 122 Police officers for "neglect of duty." The Court also observe that 32 persons entered under the head of "acquitted" were forwarded to Captain Louis, the Assistant for the suppression of Thuggee, agreeably to orders from the Commissioner of Circuit, dated 1st October 1836.† 63 persons were released in consequence of "Razeenamehs" being filed, and 5 from the non-attendance of prosecutors.

† These persons should have been specially entered as "transferred to another jurisdiction."

* In Jail, ... 14
On Bail, ... 53
67

364. The number of persons in Jail or on Bail, at the close of the year, is noted in the margin,* and calls for no particular orders.

365. One case was pending under Regulation XV. 1824.

366. Eighty persons were confined in default of security for good conduct.

* Appeals.
Criminal Trials.
Preferred,..... 89
Confirmed, ...58
Modified or reversed,26
Pending, ... 3
89
Miscellaneous.
Preferred,..... 17
Confirmed, ...10
Modified or reversed, 6
Pending, ... 1
17

367. The number of Appeals preferred from the orders of the Joint Magistrate in Criminal trials and Miscellaneous cases, and the result thereof, is noted in the margin;* the result is considered satisfactory.

* Heinous Offences, .. 3
Petty Offences, ... 675
Appeals, ... 40
Proceedings held from other Districts, ... 10
Miscellaneous cases, .. 213
941

368. The Criminal business, actually pending in this Joint Magistracy on the 31st December last, is noted in the margin.* The number of petty cases pending (675) is considered very large, and as only 54 persons are stated to be on bail, to answer to these numerous charges, the matter appears to require some explanation. The Session Judge will therefore be requested to ascertain from the Joint Magistrate, and to report to the Court, the cause of this great inequality of pending charges, and persons summoned to attend to answer to them, and in submitting the explanation, the Session Judge will be pleased to offer his own opinion on this subject. The Magistrate will also submit an abstract statement of these petty cases, classifying them under separate heads.

SESSION JUDGE'S COURT.

* Session duties—72 days.

369. Mr. Cooke officiated as Sessions Judge of Dacca, throughout the past year; the number of days that he was employed in the Session Court is noted in the margin.*

* Acquitted, ... 1
Convicted, ... 42
Referred, ... 50
Still under trial, ... 34

370. At the close of 1835, there were 15 persons under trial at Dacca, and 112 persons were committed during the year 1836; making a grand total of 127. These persons were disposed of in the mode indicated in the margin.* The single individual acquitted by the Session Judge, was, the Court observe, convicted in another case, which was referred to the Nizamut Adawlut,—this statement evinces that very great judgment must have been exercised by the Magistrates, in making these commitments.

371. At the close of 1835, there were 17 persons under trial at Furreedpore, and 102 persons were committed during the year, making a grand total of 119.

These prisoners were disposed of as noted in the margin.* The result of the commitments made by the Joint Magistrates of Furreedpore, is also considered, as being creditable to those officers.

* Acquitted, ...	20
Convicted, ...	70
Referred, ...	29
	119

372. One trial was called for at the English sittings under Section V. Regulation IX. 1831, and in that case the sentence was annulled.

373. The number of Appeals preferred from the orders of the Sessions Judge was five, and they were disposed of as noted in the margin.*

* Referred, ...	5
Confirmed, ... 1	
Modified or reversed, 3	
Pending, ... 1	
	5

NIZAMUT ADAWLUT.

374. Three persons were under reference to this Court from the Dacca District at the close of 1835, and the number referred in 1836 was 50, making a grand total of 53, these prisoners were disposed of as noted in the margin.*

* Referred, ...	53
Acquitted, ...12	
Convicted, ...4	
Trial sent back for further investigation, ... 37	
	53

375. One prisoner was under reference to this Court from the Joint Magistracy of Furreedpore, at the close of 1835, and 29 were referred in 1836, making a grand total of 30; these prisoners were disposed of as noted in the margin.*

* Referred, ...	30
Acquitted, ...10	
Convicted, ...20	
	30

376. The following is an abstract of the sentences passed on the prisoners convicted in the District of Dacca during the year 1836:

By the Nizamut Adawlut.

Deaths, ...	2
Imprisonment for life, ...	1
To 3 years, ...	1
Total	4

By the Session Judge.

Imprisonment above 7 and not exceeding 14 years, ...	27
Above 3 and not exceeding 7 years, ...	7
Above 1 and not exceeding 3 years, ...	8
Total	42

By the Magistrate and his Assistants.

More than 6 months and not exceeding 3 years, ...	62
Less than 6 months, ...	78
Fined, ...	405
Security required, ...	6
Dismissed from office, ...	0
Total	551

377. The following is an abstract of the sentences passed on the prisoners convicted in the Joint Magistracy of Furreedpore during the year 1836:

By the Nizamut Adawlut.

Death, ...	1
Imprisonment for life, ...	9
More than 7 and not exceeding 14 years, ...	8
To 3 years, ...	2
Total	20

By the Session Judge.

More than 7 and not exceeding 14 years, ...	8
More than 3 and not exceeding 7 years, ...	46
Above 1 not and exceeding 3 years, ...	16
Total	70

By the Joint Magistrate and his Assistants.

More than 6 months and not exceeding 3 years, ...	185
Less than 6 months, ...	252
Fined, ...	602
Security required, ...	90
Total	1129

GENERAL REMARKS.

378. On a consideration of the Statements of the District of Dacca and the Joint Magistracy of Furreedpore, the Court have every reason to be satisfied with the state of Criminal Justice in these two jurisdictions. The number of petty offences, that have taken place in Furreedpore* as compared with the neighbouring District of Dacca, is singularly large, and the number still pending, as before observed, is exceedingly numerous. Furreedpore is in the opinion of the Court, one of those Joint Magistracies, in which the Officer in charge ought to be relieved from all fiscal duties. Mr. Martin the Joint Magistrate of Furreedpore, was particularly successful during the past year in tracing, apprehending, and prosecuting to conviction, one or two gangs of River Thugs, and his exertions were considered by the Court, as being very creditable to his official character.

* *Petty Offences Committed.*
Dacca, ... 330
Furreedpore, ...3048
Pending.
Dacca, ... 22
Furreedpore, ... 675

379. The Court regret to state, that they cannot speak very favorably of the proceedings of the Session Judge, Mr. Cooke: they have had occasion, during the past year, in several instances, to notice with dissatisfaction, the very negligent and confused manner, in which his Statements, and his letters of reference, submitting the trials, have been drawn up, rendering it on some occasions, impracticable for the Court to form any conclusive judgment, regarding the propriety or

otherwise of the sentences passed, or proposed; thus greatly delaying the business of the Court, by rendering further explanations and references necessary. As the duties above alluded to form a very important part of the functions of a Session Judge, the Court trust that greater attention will be paid by Mr. Cooke to the preparation of these Documents in future.

MYMENSINGH MAGISTRATE'S COURT.

380. Mr. D. Pringle was Magistrate of this District throughout the year, with the exception of three weeks, during which period Mr. J. M. Hay officiated.

381. At the close of the year 1835, there were 117 persons under trial, viz, 29 in Jail and 88 on Bail,—1,090 persons were apprehended, or summoned, during the year, making a grand total of 1,207; and these persons were disposed of as noted in the margin.* The number of convictions bears a very creditable proportion to the number of persons acquitted and discharged.

* Acquitted,		431
Convicted,		626
Committed,		62
Died,		1
Escaped, &c.		24
Under Trial—		
Jail,	31	71
Bail,	40	
		1207

382. The Statements, noted in the margin,* exhibit the number of persons that have been apprehended, acquitted, and convicted by the Magistrate and his Assistants in "Heinous," as well as in "Petty Offences." The number of "Petty Offences" ascertained to have been committed, but in which no persons have been apprehended, or summoned, is very large.

* Heinous Offences,	202
Apprehended,	359
Convicted,	123
Acquitted,	132
Petty Offences,	1020
Apprehended,	848
Convicted,	485
Acquitted,	299

383. One hundred and eight persons were acquitted and discharged, in consequence of Razeenamehs being filed, and 32 from the non-attendance of the Prosecutor. On this subject Mr. Pringle in Statement No. 15, records the following remarks: "Razeenamehs may fairly be considered as convictions, at least in "foro conscientiæ; if to the number punished then, be added that of prisoners "so pleading, the total becomes 626 + 108 = 734. Leave the number 32 neutral "and the convictions to the acquittals are in a ratio not far short of 3 to 1."

384. The Court cannot, as suggested by Mr. Pringle, consider Razeenamehs or cases adjusted amicably by the parties, to be convictions, but the number of persons discharged by the filing of Razeenamehs, may be fairly deducted from the number of persons acquitted on trial, and if so, the number of acquittals and convictions for the District would stand as noted in the margin;* which, though not in a ratio of 3 to 1, is still satisfactory to the Court, and creditable to the exertions of Mr. Pringle.

* Acquittals,	323
Convictions,	626

385. The number of persons in Jail or on Bail on the 31st of December last, is noted in the margin,* and requires no remark.

* In Jail,	31
On Bail,	40

386. Nine cases are pending in this District under Regulation XV. of 1824.

387. No persons were in confinement in default of security for good conduct at the close of the year.

* APPEALS

Criminal Trials.

Preferred,		72
Confirmed,	41	
Modified or reversed,	22	
Pending,	9	
		72

Miscellaneous Cases.

Preferred,		16
Confirmed,	11	
Modified or reversed,	5	
		16

* Heinous Offences,	89
Petty ditto,	615
Appeals,	13
Proceedings from other Districts,	1
Miscellaneous Cases,	82
	804

388. The number of Appeals preferred from the decisions of the Magistrate in Criminal trials, and also in Miscellaneous cases, and the result thereof is noted in the margin.* The result is considered satisfactory.

389. The Criminal business actually pending in this District on the 31st. December last, is noted in the margin.* The number of "Heinous and "Petty Offences" still pending in this District appears to the Court to be very large. The Court request that immediate measures may be adopted by the Magistrate to reduce this very heavy file; as the Court apprehend that the delay, which must take place in the disposal of the Criminal cases, encourages evil-disposed persons to prefer litigious and false complaints in the expectation of annoying their adversaries by the process of the Court. The number of Razeenamehs filed in this District, confirms the Court in this view of the subject.

SESSION JUDGE'S COURT.

390. Mr. Cheap held the office of Session Judge of this District during the past year, and was employed one month and sixteen days in the duties of the Session.

* Acquitted,	23
Convicted,	27
Died,	1
Referred,	14
	65

391. At the close of the year 1835, there were three persons under trial in the Sessions Court, 62 persons were committed during the year 1836, making a grand total of 65, and they were disposed of in the mode noted in the margin.* The proportion of acquittals to convictions is large, and a reference to the Monthly Jail Delivery Statements shew, that some of the commitments were made on insufficient grounds.

392. No trial was called for at the English Sittings, but one prisoner appearing to the Court to have been illegally convicted, the sentence was annulled and he was arraigned on a new charge.

393. Only one Appeal was preferred during the year for the orders of the Session Judge, and that case is still pending in the Court.

394. The Commissioner, Mr. Gordon, in submitting the Statements for this District, has not informed the Court how long Criminal trials are usually pending before the Magistrate or the Session Judge. In the Jail Delivery Statement for the month of June last, the case of Hosien Ally, Jemadar of the Thannah of Nusseerabad, appears to have been delayed for a most unaccountable and discreditable period; subjecting this individual, as will be observed from the following remarks recorded by Mr. Cheap, to much unnecessary hardship: "I never took "up a case where there was more of a conspiracy apparent, or one that I should "have more conscientiously subscribed to a verdict not of simple acquittal, but of "entire innocence. The prisoner was a recluse, living in the jungles, was "persuaded to leave his retirement and take office by the late Magistrate (Mr. "Dunbar,) borrowed a pair of shoes and bought some clothes, on credit, to enable "him to join his office, held employment for four months, (entitling him to 32 Rupees

" as salary,) when he was brought up on this charge on the 16th of July, 1835, and " was ultimately committed for trial on the 4th of April last, *some nine months* " *after*, though the *original complainant* and *all the witnesses* reside within a few " miles of the station.

" A copy of the above remarks have been sent to the Magistrate and as the " Jury gave in a written verdict, a copy of it is appended to this Statement. A " warrant for the prisoner's release has been issued."

395. Act VII. 1835, having been introduced into this District, the Court trust that the Session Judge will exercise a more efficient controul over these matters than appears to have been done by the late Commissioner, and that by a careful examination of Statement No. 9, he will be able to prevent any person from being thus needlessly detained in custody, or on Bail, under examination in future.

COURT OF NIZAMUT ADAWLUT.

396. No prisoners were under reference to this Court from Mymensingh at the close of the year 1835; the number referred in 1836 was 14, and these prisoners were disposed of as noted in the margin.*

* Acquitted, ...	2
Convicted, ...	6
Pending, ...	6

397. The following is an abstract of the sentences passed on the prisoners convicted in this District, during the year 1836:

By the Nizamut Adawlut.

Death, ...	1
Imprisonment for life, ...	2
More than 3 and not exceeding 7 years, ...	1
More than 1 and not exceeding 3 years, ...	2
Total	6

By the Session Judge.

More than 7 and not exceeding 14 years, ...	1
More than 3 and not exceeding 7 years, ...	21
More than 1 and not exceeding 3 years, ...	4
Less than 1 year, ...	1
Total	27

By the Magistrate and his Assistant.

Six months and not exceeding 3 years, ...	183
Less than 6 months, ...	198
Fined, ...	211

Required to furnish surety, ...	12
Dismissed, ...	14
Total	618

GENERAL REMARKS.

398. It appears to the Court that considerable improvement might take place in this District, if the Magistrate would endeavour to diminish the quantity of business now pending before the Courts, and expedite the cases of persons under examination. The proportion of convictions to the acquittals is creditable to that Officer, but with 804 Criminal cases pending, the state of the District must be considered as unsatisfactory.

399. The trials submitted by the Session Judge, Mr. Cheap, to this Court, have been conducted with great regularity, and the Court have had every reason to be satisfied with the manner in which the Monthly Jail Delivery Statements have been prepared by that Officer.

SYLHET MAGISTRATE'S COURT.

400. Mr. Mytton was Magistrate of this District during the past year.

401. At the close of the year 1835, there were 96 persons under trial, viz. 21 in Jail and 75 on Bail or personal recognizance. 2060 persons were apprehended or summoned during the year 1836, making a grand total of 2156; and these persons were disposed of in the mode noted in the margin.* The general result is considered satisfactory.

* Acquitted, ...	850
Convicted, ...	1163
Committed, ...	57
Died, ...	2
Under Trial—	
On Bail, ... 40	84
In Jail, ... 46	
	2156

402. The statement noted in the margin,* exhibits the number of persons apprehended, acquitted, and convicted in "Heinous Crimes" as well as in "Petty Offences." The number of persons discharged on account of Razeenamehs being filed, or from the non-attendance of prosecutors, is noted in the margin.† The Court observe, that 145 Police Officers were punished for "neglect of duty," 47 persons for "resistance of process," and no less than 85 for "contempt of Court." The Magistrate will be requested to explain the cause that may have occasioned the conviction of such a number of persons of the latter offence.

* Heinous Crimes, ...	543
Apprehended, ...	430
Convicted, ...	158
Acquitted, ...	181
Petty Offences, ...	873
Apprehended, ...	1717
Convicted, ...	1005
Acquitted, ...	669
† Discharged by Razeenamehs, ...	130
Ditto by non-attendance of Prosecutors, ...	30
	160

403. The number of persons in Jail or on Bail, on the 31st of December last, is noted in the margin,* and requires no remark.

* In Jail, ...	46
On Bail, ...	40

404. No cases were pending under Regulation XV. 1824, in this District.

405. 27 persons were confined at the close of the year in default of surety for good conduct.

406. The number of Appeals preferred from the decisions of the Magistrate in Criminal trials, and also in cases of a Miscellaneous nature, and the result thereof, is noted in the margin.* The Statement is considered satisfactory.

* APPEALS.

Preferred,	27
Confirmed, 16	
Modified or reversed, 9	
Pending, 2	
	27
Miscellaneous.	
Preferred,	6
Confirmed, 4	
Modified or reversed, 2	
	6

407. The Criminal business actually pending in this District, on the 31st of December last, is noted in the margin.* The Statement is considered creditable to the Magistrate Mr. Mytton.

* Heinous Offences,	20
Petty ditto,	80
Appeals,	5
Proceedings from other Districts,	9
Miscellaneous Cases,	176
	290

SESSION JUDGE'S COURT.

408. Mr. Charles Smith was Session Judge of this District, during the past year. The number of days occupied by Mr. Smith in the duties of the Session during this period, is noted in the margin.*

* Session duties—80 days.

409. At the close of the year 1835, there were 13 persons under trial in the Sessions Court, 57 persons were committed during the year 1836, making a grand total of 70; and these prisoners were disposed of in the mode noted in the margin.* The result of the commitments is considered to be satisfactory.

* Acquitted,	14
Convicted,	28
Referred,	9
Pending,	19
	70

410. Two trials were called for at the English Sittings, and the sentences passed by the Session Judge were reversed in both. The sentence in a third trial, being deemed by the Court to be too severe, and in some measure, illegal, was also annulled, and a fresh sentence passed by the Court, under the provisions of Section 5, Regulation IX. 1831.

411. The number of Appeals preferred from the orders of the Session Judge, and the result thereof, is noted in the margin,* and requires no particular remark.

* Appeals preferred,	3
Confirmed,	2
Reversed,	1

COURT OF NIZAMUT ADAWLUT.

412. No prisoners were under reference to this Court from Sylhet at the close of the year 1835; the number referred in 1836 was 9, and these prisoners were disposed of as noted in the margin.* Of the prisoners acquitted, 2 being insane, were ordered to be detained in confinement until they should be perfectly recovered.

* Acquitted,	7
Convicted,	2

413. The following is an abstract of the sentences passed on the prisoners convicted in this District, during the year 1836:

By the Nizamut Adawlut.

Imprisonment for life, ...	1
Imprisonment for 5 years, ...	1
Total	2

By the Session Judge.

More than 7 and not exceeding 14 years, ...	... nil.
More than 3 and not exceeding 7 years, ...	... 15
More than 1 and not exceeding 3 years, ...	... 12
Less than 1 year, ...	... 1
	Total 28

By the Magistrate and his Assistants.

Six months and not exceeding 3 years, ...	... 122
Less than 6 months, ...	... 213
Fined, ...	... 794
Security required, ...	... 34
	Total 1163

GENERAL REMARKS.

* Kishenchurnkur & others charged with embezzlement.

414. The general result of the proceedings in the Criminal department of the District of Sylhet, is considered to be creditable to the Magistrate. Very great delay took place in one case, before the Sessions Court, as noted in the margin,* the commitment having been made on the 24th of November 1835, and the trial having only been received by this Court on the 12th of October 1836, the proceedings, moreover, appeared to the revising Judge to have been conducted with much irregularity. The circumstances were duly noticed to Mr. Smith by the Court in suitable terms of reprehension.

CHITTAGONG MAGISTRATE'S COURT.

415. Mr. Harvey was Magistrate of this District, during the past year; in consequence however of his absence from the Sudder Station on revenue duties in the Mofussil, the charge of the Magistracy at the Sudder Station from the month of January to the 25th of April, and again from the 28th of November to the 31st of December, devolved on the Joint Magistrate Mr. Davidson, Mr. Harvey retaining in his own hands the Magisterial power connected with that portion of the District in which a measurement and survey were in progress.

416. At the close of the year 1835, there were 180 prisoners under trial, viz. 72 in Jail and 108 on Bail or personal recognizance. 1921 persons were apprehended or summoned during the year 1836, making a grand total of 2101,—these persons were disposed of in the mode noted in the margin.*

* Acquitted, ...	982
Convicted, ...	976
Committed, ...	95
Under Trial—	
Jail, ... 9	48
Bail, ... 39	
	2102
* Heinous Offences, ...	87

417. The Statements noted in the margin* exhibit the number of persons that have been apprehended, acquitted, and convicted by the Magistrate and his

Assistants, in "Heinous" as well as in "Petty Offences." The number of persons acquitted, after having been apprehended and charged with "Heinous Offences," as noted in the margin,† does not indicate an efficient state of things in this District.

Apprehended,	534
Acquitted,	200
Convicted,	140
Petty Offences,	832
Apprehended,	1677
Acquitted,	782
Convicted,	836
† Highway Robbery,	21
Burglary,	45
Theft,	35

418. The Commissioner, Mr. Dampier, remarks that "the acquittals bear a "very favorable proportion to the convictions in the Subordinate Courts, more "particularly if the 403 persons who were acquitted on Moochulka, are reckoned "with the convictions, to which I think they properly belong, viz. 579 acquittals "to 1397 convictions, and it is to be remarked, that out of the acquittals 93 "Razeenamehs were filed; but in the Sessions Court they do not bear so favor-"able a relation to one another; in general however the returns are satisfactory, "and shew that needless and harassing apprehensions do not prevail to any great "extent."

419. With regard to the Sessions Court, the returns are very unsatisfactory, as will be more particularly shewn on a review of the Statements for that department of the Criminal business. The Court however cannot coincide with the Commissioner in considering the returns from the Magistrate's Court, as satisfactory; nor do they agree with that officer in thinking that persons acquitted of the specific offences with which they stand charged, and subsequently released on Moochulka, ought to be reckoned with the convictions. The Court observe, that 154 persons were acquitted and 79 persons convicted of "trespass;" the Court will request that the Session Judge will call upon the Magistrate to explain the nature of these cases, and to state under what Regulation these persons have been punished; the Court further remark that one person is confined in Jail on a charge of "trespass," and as the offence must under any circumstances be one of a bailable nature, the Session Judge will be further requested to ascertain from the Magistrate, the circumstances under which this man is confined. On submitting his report on these two points, the Session Judge will be requested to state whether the explanations of the Magistrate are in his opinion satisfactory.

420. The number of persons in Jail or on Bail on the 31st December last, is noted in the margin,* and requires no particular remark.

* In Jail,	9
On Bail,	39

421. One case was pending in this District under Regulation XV. of 1824.

422. Five persons were confined in this District in default of security for good conduct at the close of the year.

423. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate in Criminal trials, and the result thereof, is noted in the margin.* The Court observe that no appeals have been preferred during the year from the orders of the Magistrate or Joint Magistrate in cases of a Miscellaneous nature, being other than Criminal trials; this requires explanation, and the Commissioner will be requested to state, whether any appeals of this nature have been really preferred, and whether the appeals have been erroneously entered

* APPEALS.	
Criminal Trials	
Preferred,	107
Confirmed,	53
Modified or reversed,	45
Pending,	9
	107

under the head of Appeals from orders passed in Criminal trials,—the Court further remark that an Appeal has been pending from an order passed by the Joint Magistrate, ever since the 14th November 1834. The Commissioner will be requested to state the cause of this very extraordinary delay.

* Heinous Offences, ..	48
Petty Offences, ...	656
Appeals, ...	151
Proceedings from other Districts, ...	2
Miscellaneous Cases, ..	136
	1,992

424. The Criminal business actually pending in this District on the 31st December last, is noted in the margin.* The number of petty offences pending in this District, particularly in the Court of the Joint Magistrate Mr. Davidson and of the Assistant Mr. A. S. Annand is considered by the Court to be very heavy, and the Session Judge will be requested to direct the attention of the Magistrate to this subject. The number of pending Appeals (151), all of which are before the Joint Magistrate, Mr. Davidson, is considered by the Court to be very unsatisfactory, and evinces much want of control on the part of the Magistrate, Mr. Harvey, whose attention will be directed to the Circular Order of the 25th September, 1834, No. 151. With reference, however, to the heavy Revenue duties, which are understood to be imposed on the Collector of this District, and to the great difficulty therefore that must be felt by this officer, in superintending in a vigilant and systematic manner, the Magistracy of this District, when he is at the same moment, superintending in the interior the measurement and survey that is now being carried on in this Zillah, the Court are of opinion that no time should be lost in separating the duties of the two offices now held by Mr. Harvey, and of placing the Magistracy in the hands of an experienced officer, who will have time to attend to the Police and Criminal justice; who can therefore be held responsible for this particular department, and who will receive the sole praise or blame, for the general state of the District.

425. The Court observe, that Mr. Dampier has omitted to supply the information called for in the 4th paragraph of the Circular Order of the 7th of October last. Act VII. 1835, having, however been introduced into this District, the Session Judge, Mr. Moore, will be requested to comply with the requisition of the Court.

SESSION JUDGE'S COURT.

426. Mr. H. Moore performed the duties of Session Judge for this District during the past year, and was employed in the duties of the Sessions for 51 days.

* Acquitted, ...	44
Convicted, ...	42
Preferred, ...	13
Pending, ...	13
	112

427. At the close of the year 1835, there was one prisoner under trial in the Sessions Court—95 prisoners were committed by the Magistrate, and 16 by the Civil Judge during the year 1836, making a grand total of 112,—these prisoners were disposed of in the mode noted in the margin.* The result is very unsatisfactory. In the monthly Jail Delivery Statement for February last, the Court observe that no less than 26 prisoners were acquitted, all of whom had been committed apparently on very insufficient grounds. In the case of Mungfroo and others submitted by Mr. Moore, with his letter No. 11, of the 7th of March last, Mr. Moore remarks as follows: "From the want of a minute investigation, fourteen persons have been, I should say

"unnecessarily committed." "The fourteen therefore have been acquitted and "discharged; of the remaining six three have also been acquitted and released "and three form the subject of the present reference." These three prisoners, the Court observe, were also acquitted. Thus, of the whole twenty prisoners committed in this case, not one was convicted; the case was one of a peculiarly aggravating nature, as will be observed from the following extract of Mr. Moore's letter: "On the night of the 24th October last, the house of the "prosecutor Rajbullub, a resident of Kheelmundul, was surrounded and attack-"ed by a large body of Decbits, armed in various ways, and property to the "amount of Rs. 2010 plundered, his house burnt down, his wife and adult "son murdered, whose bodies were extracted the following day from amidst the "ruins of the fire."

428. In the same report, in detailing the manner in which the prisoners had been apprehended, Mr. Moore remarks, as follows: "The summary of this is, "that through the information of two men of the name of Khelaram, and Augfroo, "the Police proceeded to the village of Gucha Churree, and according to the "previous statement of Augfroo, caused the apprehension of the whole of its male "inhabitants." The remark of Mr. Dampier therefore that "the returns are "satisfactory, and show that needless and harassing apprehensions do not pre-"vail to any great extent," leads the Court to apprehend, that his important avocations in the Revenue Department, have not permitted him to pay much attention to the Police or Criminal business of this District, and satisfy the Court, that the recommendation contained in their letter of the 2d of December last, No. 2845, for transferring the Criminal duties under Act VII. 1835, to the Session Judges will, in this District, at least, be attended with considerable benefit to the people.

429. No trials appear to have been called for at the English sittings during the past year. On an examination of the monthly Jail Delivery Statement, one sentence passed by the Session Judge being deemed too severe, was annulled.

430. Three appeals were preferred from the orders of the Session Judge, and the order passed in each case was reversed.

COURT OF NIZAMUT ADAWLUT.*

431. No prisoners were under reference from Chittagong to this Court at the close of the year 1835,—the number referred in 1836 was 12, and they were disposed of as noted in the margin.*

* Acquitted, ... 4
Convicted, ... 8
12

432. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1836:

By the Nizamut Adawlut.

Imprisonment for life, ...	4
" " 14 years, ...	3
" " 1 year, ...	1
Total	8

By the Session Judge.

More than 7 and not exceeding 14 years, ...	3
More than 3 and not exceeding 7 years, ...	7
More than 1 and not exceeding 3 years, ...	20
Less than 1, ...	6
Total	36

By the Magistrate and his Assistants.

Six months and not exceeding 3 years, ...	121
Less than 6 months, ...	113
Fined, ...	728
Security required, ...	14
Total	976

GENERAL REMARKS.

433. From the foregoing remarks it is almost unnecessary to observe, that the Court do not consider the state of the Criminal business in this District to be at all satisfactory. Mr. Harvey, the Court apprehend, must be generally employed in his Revenue duties, and the sooner the offices of Magistrate and Collector, are disunited, and an officer of competent experience appointed to the separate charge of the Magistracy, the better it will be for the people.

434. The Court regret to observe that the Jail Delivery Statements were in some instances, submitted by Mr. Moore in a very inaccurate manner, and the letters of reference sent up with the trials were drawn up with much irregularity, evincing a want of attention to this very important part of the duty of a Session Judge, a circumstance the Court particularly regret to notice, in an officer of Mr. Moore's acknowledged high character and experience.

TIPPERA MAGISTRATE'S COURT.

435. Mr. W. S. Alexander made over charge of the Magistracy of this District on the 2d of January to Mr. W. Allen, who officiated as Magistrate until the 15th of April. Mr. W. S. Alexander took charge again on the 16th of April and continued in charge of the Magistracy up to the 30th of November, on that date Mr. W. Allen again received charge of the District and officiated as Magistrate until the 16th of December. Mr. W. J. H. Money received charge on the 17th of December and continued to act as Magistrate up to the end of the year.

436. At the close of the year 1835, there were 74 persons under trial, viz. 3 in Jail and 71 on Bail or personal recognizance. 990 persons were apprehended or summoned during the year 1836, making a grand total of 1064—these persons were disposed of in the mode noted in the margin.*

* Acquitted, ...	546
Convicted, ...	366
Committed, ...	50
Died, ...	4
Under Trial—	
Jail, ...	68
Bail, ... 74	
	1064

437. The Statements noted in the margin* exhibit the number of persons that have been apprehended, acquitted and convicted by the Magistrate and his Assistants in "Heinous" as well as in "Petty Offences." The Commissioner, Mr. Dampier, observes that "the acquittals bear a most unfavorable proportion "to the convictions and speak very little in favor of the administration of the "Magistracy—the apprehensions have been very few, compared with the number "of persons supposed to have been concerned in crime, while the unfavorable "relation the acquittals bear to the convictions places even these apprehensions "in a most unfavorable light." In these remarks the Court entirely coincide: it would have been satisfactory however had the Commissioner favored the Court with his opinion on this subject and stated why the administration of this Magistracy was bad.

* Heinous Offences,	141
Apprehended,	305
Acquitted,	213
Convicted,	107
Petty Offences,	1062
Apprehended,	669
Acquitted,	338
Convicted,	259

438. The Court apprehend that the unsatisfactory state of the Criminal business in this District arises from two causes—first, the constant changes that have taken place in the Magistracy, giving rise of course to constant changes of system, and secondly from the deputation of Mr. Alexander into the interior of the District on revenue duties for nearly four months of the year, thus imposing upon Mr. Allen, a young Officer, and of course without much experience, the whole of the duties attached to the Joint Office of Collector and Magistrate. Under these circumstances the Court are by no means surprised at the existing state of things in this District, and they are of opinion that no Officer can be justly blamed for the unfavorable state of the District, seeing that no Officer retained charge of the Magistracy for a period sufficiently long, to establish any regular system.

439. Seventy-seven persons were discharged in consequence of Razeenamehs being filed and eight from the non-attendance of prosecutors.

440. The number of persons in Jail or on Bail on the 31st of December last, is noted in the margin* and requires no remark.

* In Jail,	24
On Bail,	74

441. One case was pending in this District under Regulation XV. of 1824.

442. Three persons were confined in this District in default of security for good conduct at the close of the year.

443. The number of Appeals preferred from the decisions of the Magistrate and Joint Magistrate in Criminal trials, and the result thereof is noted in the margin.* The Court observe that no Appeals have been preferred during the year from the orders of the Magistrate or Joint Magistrate in cases of a Miscellaneous nature being other than Criminal trials; this requires explanation, and the Commissioner will be requested to state whether any Appeals of this nature have been really preferred, and whether the Appeals have been erroneously entered under the head of Appeals from orders passed in Criminal trials.

* Appeals Criminal Trials	
Preferred,	76
Confirmed,	39
Modified or reversed,	28
Pending,	9
	76

444. The Criminal business actually pending in this District on the 31st December last, is noted in the margin.* The present Officiating Magistrate,

* Heinous Offences,	38
Petty Offences,	520
Appeals,	29

Proceedings from other Districts, ...	0
Miscellaneous Cases, ..	113
	710

Mr. Money, should direct his immediate attention to the reduction of the number of petty cases still pending.

SESSION JUDGE'S COURT.

445. Mr. J. Shaw was Session Judge of this District during the past year. Mr. Shaw was employed 24 days in the duties of the Sessions.

* Acquitted, ...	18
Convicted, ...	32
Referred, ...	2
	52

446. At the close of the year 1835, there were two prisoners under trial in the Sessions Court, 50 prisoners were committed during the year 1836, making a grand total of 52, and these prisoners were disposed of in the mode noted in the margin.* The generality of the commitments appears from the monthly Jail Delivery Statements to have been made with judgment and discretion.

447. One trial was called for at the English sittings during the past year in which the sentence passed by the Session Judge was enhanced. The facts of this case seem worthy of being recorded as indicating the same lawless spirit which the Court regret to observe appears to prevail in several of the Districts of Bengal.

"It appears that the deceased, Ally Usgur, had obtained a decree in the "Moonsiff's Court at Mehendergunge, in Zillah Burrisaul, against the prisoner "Moonshee Putwarry. On Friday the 10th of Maugh last, a process of arrest "was taken out in execution of the said decree, and the Moonsiff deputed a Pea-"dah to accompany the deceased, Ally Usgur, and to seize the aforesaid Moon-"shee, which was accordingly done. On the 12th of Maugh in consequence of the "said Moonshee Putwarry failing to pay down the amount of decree, the Peadah "in company with the deceased, Ally Usgur, was taking off the prisoner Moon-"shee to the Moonsiff's cutcherry, when some of the prisoner's friends came up "and addressing the prisoner, said we have assembled the buffaloes (meaning the "armed men) 'where are we to take them?' Upon which the prisoner gave "orders to have them taken on ahead. On reaching Koshnaul's tank, a party of "armed men, in number about 100, sallied forth, assaulted and beat the Peadah, "and rescued the prisoner Moonshee from arrest.

"The prisoner Jaun Mahomed forthwith gave the word of command for a "general attack, and the prisoner Moonshee gave orders to assault and beat the "person with the elephantiasis foot, meaning the deceased, Ally Usgur, upon "which the prisoners Darrah Ghazee and Allaooddeen advanced with clubs in "their hands, when the former hit Ally Usgur the deceased a severe blow on the "head, which wounded and felled him to the ground, and the latter (Allaooddeen) "followed the example by giving the deceased another blow with his lattee, on the "left side, just about the small ribs, and whilst the said Ally Usgur was on the "ground. The wound on the head was about 2½ inches in length, nearly one in "breadth, and about half an inch in depth, and the clubs used by the aforesaid "two persons were 3½ or 4 cubits in length, and about the grasp of a man's hand "in thickness. The deceased Ally Usgur was taken up in a senseless state, con-"veyed home, where he died about 10 hours after the assault, and in consequence

" of the beating he received from the hands of the prisoners Darrah and Allaooddeen. " The Peadah and four others, who were accompanying the deceased to the " Moonsiff's cutcherry were also assaulted and received slight wounds from the armed " men on the part of the prisoner Moonshee and his relation Jaun Mahomed. The " prisoners one and all pleaded not guilty, and called witnesses in their defence to " prove an alibi which was a complete failure, and for the most part supported " the evidence for the prosecution. The guilt of the prisoners has been clearly " and satisfactorily established, and they are deserving of punishment as follows: " viz. the prisoners, Moonshee and Jaun Mahomed, were the principals in the " affray, and gave orders for the assault and beating; Darrah and Allaooddeen being " possessed of more courage than the others, carried these orders into execution, " by inflicting blows on the deceased Ally Usgur's head and side which caused " his death, and the other prisoners were present, aiding and abetting in the " affray, in which the said Ally Usgur lost his life, and Bholah Ghazee and others " were beaten and slightly wounded, besides which, the case has been aggravated " by the circumstance of the prisoners having taken the law into their own hands, " by rescuing the prisoner Moonshee from the custody of the Moonsiff's Peadah, " who had duly and legally arrested him by the mandate and authority of the " Civil Court, I fully concur in the verdict of the jury."

448. The following case revised by the Court on the 9th of May last, is of a similar character, and evinces an entire contempt on the part of the inhabitants for the Police of the District:

" The circumstances of this case are as follows: On the 29th Bhadoo " 1241 B. S., Rogoonauth Roy took the Ijara of Subuk Ruttonnugger in the name " of Bundabun Chunder Roy his Nephew, from the Raja of Tippera, and him " self and Golucknauth were the Zemindars or Sureties for the said Ijara to the " amount of 50,000 rupees, and obtained possession on the 6th February 1835 or " 25th Maugh 1241 B. S.; the Collector intimated to the Rajah by Perwannah, " that as Rogoonauth had previously pledged himself as surety for the Serishtedar " of the Collector's office, that his responsibility as surety for the farm must be " set aside, whereupon a proclamation was issued by the Raja calling upon Rogoo- " nauth to furnish other security for the farm taken in Bindrabun's name, but on " his non-compliance the Raja in Assar 1242 B. S. deputed Bhyrub Chunder " Sein as Koork Suzawul, and shortly afterwards Ramkonnye Roy was appointed " as Surburakar to superintend the collections, &c. in the said Mehal. Having " proceeded into the interior, possession of the Cutcherry at Puttunnugger in the " said Ijara was gained, but not without some resistance and opposition on the " part of Rogoonauth's people. In making the collections a few skirmishes and " slight breaches of the peace had occurred and taken place between the Koork " Suzawul's party and the villagers, and in some of the villages the Koork " Suzawul's people were denied entrance altogether, especially in the one, in " which the prisoner Gungadhur resided, who had stoutly refused to pay rent and " had induced others to follow his example. The Koork Suzawul's party how- " ever were not to be done in this manner, and application was made to the Police " under the provisions of Section 27, Regulation XX, of 1817, for Muzkooree

" Peadahs to assist in distraining the property of Gungadhur and other recusant " tenants. Accordingly three Peadahs were deputed by the Darogah, who pro- " ceeded to the Cutcherry at Puttunnugger, where they were detained two or three " days previous to any attempt being made to distrain property. A Police Bur- " kundaz had also been dispatched about the same time as the Peadahs by the " Darogah to apprehend Gungadhur and others implicated in a disturbance of the " peace, which had occurred about a month before. This Officer having gone to " the said Cutcherry, was also kept there till the morning of the 24th Suwan " last, when their plans and preparations were considered to be completed and " matured, he was sent out to execute the warrant entrusted to him, accompanied " by 3 or 4 Chowkeedars, in his wake; the Peadahs were also sent forth by the " Koork Suzawul and Ramkonnye to distrain the property of Gungadhur and " others, and with them a large body of men armed with clubs, about 100 or " 150 in number. They had proceeded as far as Rammohun Gazur's Tank, which " is about a mile from the Cutcherry at Puttunnugger and about an equal distance " from Gungadhur's house, when they were met by an armed body of villagers " between 2 or 300 in number, who it is evident were well aware of the intention " of the Koork Suzawul's people going to distrain the property that morning, and " were fully prepared to oppose and meet their adversaries in the field of combat. " The villagers told the Cutcherry people, that they would not allow them to pro- " ceed further to commit excesses in the villages, from words, the villagers soon " got to pelting clay and dirt at their adversaries, and both parties coming in con- " tact, an affray took place in which two men on the part of the villagers, and Doss " Mahommed and others on the part of the Koork Suzawul, were slightly wounded, " the latter defeated and put to flight. The villagers flushed with success pursued " the defeated party up to the Cutcherry, which, notwithstanding the protestation " and " Doorye" of the Police Burkundaz they instantly attacked. Ramkonnye " Roy, the Surburakar, rushed out sword in hand, unattended, determined to " defend himself and effect his escape—he was forthwith surrounded by about " forty armed men, assaulted, beaten and disarmed, and fell overpowered, severely " wounded, viz. a very extensive flesh wound on the point of his left shoulder, " also a severe wound on the left arm, likewise a cut on the left hand, he had " marks of being bruised about the head and other parts of the body." There is " no saying how far or to what extent the tragedy would have been carried, had " not one of the witnesses named Dowlut interposed and entreated the infuriated " mob to desist from committing further injury to the said Ramkonnye. It " appears that Ramkonnye in defending himself with his sword, gave Goonbul- " lub, one of the villagers, a severe cut across the nose, extending under the left " eye, which ultimately destroyed the vision. Sooklaul, Seetul Singh and Beharry " Doss were also assaulted and severely beaten in endeavouring to effect their " escape from the Cutcherry. The Koork Suzawul was more *fortunate*, as it " appears he succeeded in getting clear from pursuit of danger unhurt. All the " defendants (who were on security during the trial) pleaded not guilty, and each " endeavoured to prove an alibi, which turned out a failure and otherwise unavail- " ing. I will not pretend to say how far the Raja was justified in deputing a " Koork Suzawul, but his people got possession of the Moostagir's Cutcherry, " and had collected rent from several of the villages in the Ijara without much

"opposition, excepting that shewn by Gungadhur No. 12, and who it appears "was the Durjaradar, and who was determined not to pay a fraction of revenue "to the Koork Suzawul. As for the application to the Thanah for the Muskoory "Peadahs, it was a mere trick in my opinion to give the affair a legal coloring. "I am fully convinced in my own mind that the Koork Suzawul's party, pro-"ceeded on the morning of the occurrence with the intention of committing a "breach of the peace if opposition was made to the distraining party, and which "was fully anticipated, had it been otherwise, where was the use of sending so "large a body with the Peadahs, and how easy it might have been for them to "have retreated in the first instance from the Tank, instead of fighting, when "their party might have escaped uninjured. The villagers having gained intel-"ligence of the intention of the Koork Suzawul's people to distrain the property "of Gungadhur and others on the morning of the event, were determined to "resist any attempt that might be made, and instead of allowing the "distraining party to enter the village, in which Gungadhur resided, pre-"meditately advanced, took the law into their own hands, and not content with "defeating them at Rammohun Gazur's Tank, and putting a stop to their intentions "for the present, pursued them to the Cutcherry, attacked and committed other "outrages for the purpose of ridding themselves of the evil altogether, and avoid "further molestation. The evidence against the prisoners No. 2 to 11 inclusive, "being clear and satisfactory, that they were engaged in both affrays, at the "Tank and Cutcherry, and fully concurring in the verdict of the Jury, punishment "was awarded accordingly."

449. Two Appeals were preferred from the orders of the Session Judge, and in both instances the orders were modified or reversed.

COURT OF NIZAMUT ADAWLUT.

450. No prisoners were under reference from Tippera at the close of the year 1835; the number referred in 1836 was 2, and they were disposed of as noted in the margin.*

* Convicted, ...	1
Pending, ...	1
	2

451. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1836:

By the Nizamut Adawlut.

Death, ...	1

By the Session Judge.

Above 7 and not exceeding 14 years, ...	9
Above 3 and not exceeding 7 years, ...	8
Above 1 and not exceeding 3 years, ...	12
Less than 1, ...	3
Total	32

By the Magistrate and his Assistants.

Six months and not exceeding 8 years, ...	97
Less than 6 months, ...	105
Fined, ...	162
Security required, ...	2
Total	366

GENERAL REMARKS.

452. The state of this District is by no means satisfactory: the causes however that have produced this state of things, have been fully alluded to in the 4th paragraph of these remarks, and the Court have only to repeat their opinion, that neither Mr. Alexander or Mr. Allen can be justly blamed for the unfavorable state of the Criminal business.

453. The Session Judge, Mr. James Shaw, was exceedingly regular and attentive in submitting his Jail Delivery Statements and letters of reference in Criminal trials; and the Court consider him to be a very excellent public officer.

* Chittagong, Tippera, Noacolly.

454. In submitting Statement No. 16 for this Division,* Mr. Dampier, the Commissioner in his letter of the 8th of April last observes that his visits to each sudder station are seldom made oftener than once in the year and even then at uncertain periods. Under Section 52, Regulation IX. 1793 the Judges of Circuit were required to visit the jails at each station half yearly, on every circuit, and some jails they were required to visit once in three months or oftener if they thought proper and to issue to the Magistrates such orders as might appear to them adviseable for the better treatment and accommodation of the prisoners. If the Commissioner however to whom under the rules now in force this duty is confided is unable from whatever cause to visit the jails but once in the year, it is evident that the rules prescribed for the better management of the jails are infringed and the treatment of the prisoners by the District Magistrates is not efficiently superintended; it appears therefore to the Court indispensably necessary that the duty of visiting the jails should be imposed upon the Session Judges who should visit the jails regularly every month and submit a quarterly Statement on the subject to this Court.

JOINT MAGISTRACY OF NOAKHALLY OR BULLOOAH.

455. The office of the Joint Magistrate of this jurisdiction has been held during the past year by three Officers, viz Mr. F. J. Halliday from the 1st of January to the 16th of April, Mr. C. Tottenham from the 16th April to the 24th May, and Mr. Bruce from the 24th May to the end of the year.

456. At the close of the year 1835, there were one hundred and seventy-one persons under trial, viz. twenty-five in jail, and one hundred and forty-six

on bail, or personal recognizance. One thousand two hundred and three persons were apprehended or summoned during the year 1836, making a grand total of one thousand three hundred and seventy-four: these persons were disposed of in the mode noted in the margin.*

* Acquitted,		810
Convicted,		468
Committed,		35
Died,		3
Transferred,		3
Under Trial—		
In Jail,	8	55
On Bail,	47	
		1374

457. Statements noted in the margin* exhibit the number of persons, that have been apprehended, acquitted and convicted by the Magistrate and his Assistants in "Heinous" as well as in "Petty Offences." The proportion of acquittals to convictions is by no means satisfactory. On this subject Mr. Bruce, the Officiating Joint Magistrate, remarks as follows: "In submitting the annual "returns for the past year, the Acting Joint Magistrate feels himself called upon "to record some remarks upon the subject of the proportion which the acquit-"tals bear to the convictions. It will not, he trusts, be imagined, because the "former greatly exceed the latter, that the subject has received less attention "than it deserves, or than the superior authorities wish it should receive; since "he joined his present appointment, on the 24th May last, he has not lost sight of "it for an hour; and although the results have not been so successful as he would "wish, he views with satisfaction the improvement which has lately taken place, "and to which his subordinates of every grade will bear testimony. By a refer-"ence to the proper columns it will be observed that only 55 persons were in "Hajut, on Bail, and on Moochulka, at the close of the year, and in clearing the "file the Acting Joint Magistrate had to dispose of numerous cases commenced "before his arrival. There were several cases too of a peculiar nature which "tended to produce unfavorable results; and as justly observed by the Court of "Nizamut Adawlut in their proceedings on the administration of Criminal Jus-"tice in the 16th Division for the year 1835; it is to be feared that while the "native moral character is at its present standard; no efforts of the local autho-"rities can remedy the evil attendant upon the apprehension of many innocent "persons. It is not however, to be imagined that acquittals, as a necessary con-"sequence, implies innocence; for the cause which gives rise to the apprehen-"sion of the innocent, gives rise also to the acquittal of the guilty. No endea-"vours however, shall be wanting on the part of the Acting Joint Magistrate "or his Assistants to ensure a favorable result (even as exhibited in a statement "of aggregates) at the close of the current year, for which result he will of "course be responsible, whereas he has only been in charge of the District for a "portion of the past year."

* Heinous Crimes,	74
Apprehended,	294
Acquitted,	162
Convicted,	88
Petty Offences,	584
Apprehended,	1080
Acquitted,	618
Convicted,	380

458. The Court trust that the Statements for the current year will, as anticipated by Mr. Bruce, shew a more favorable result. The remark recorded on the proceedings of the Court on the administration of Criminal Justice for the 16th Division for the year 1835, relative to the moral character of the natives, was not as supposed by Mr. Bruce, an observation made by the Court, but a quotation from the report of the Commissioner Mr. Dampier.

459. One hundred and eighty persons were discharged in consequence of Razeenamehs having been filed, but no persons appear to have been discharged from the non-attendance of Prosecutors. The Court also observe that 195 persons

were acquitted and discharged in cases in which it is stated "a large num-" ber of persons were brought to the Cutcherry and released under peculiar cir-" cumstances—such as that in which twenty-one Ameens were released under " orders of the Commissioner; in some connected with affrays between the for-" mer and present proprietors of Perguna Bullooah, in another in which some pri-" vate servants were attacked by a large body of the inhabitants of Sundeep." The Court have already communicated to the Commissioner a copy of their resolution of the 10th March last revising the cases of these Ameens, and commenting upon the irregularity of his proceedings on that occasion. They now request that the Officiating Magistrate Mr. Bruce, will furnish a report explaining the origin and cause of the affrays which are stated to have taken place in Perguna Bullooah, and also the reasons which occasioned the inhabitants of Sundeep to attack the private servants alluded to in the above remarks. In furnishing this information Mr. Bruce will be requested to state in what way the abovementioned cases were finally disposed of. The Officiating Joint Magistrate will be instructed to forward this report to the Session Judge of Tippera, who will forward it to this Court, together with any remarks of his own that may appear to be called for.

460. The number of persons in Jail or on Bail on the 31st of December last, is noted in the margin,* and requires no particular remark.

* In Jail, ... 8
On Bail, ... 47

461. Two cases were pending in this District under Regulation XV. of 1824.

462. Five prisoners were confined in this District in default of security for good conduct at the close of the year.

463. The number of Appeals preferred from the decisions of the Joint Magistrate in Criminal trials, and the result thereof, is noted in the margin.* The orders reversed are considered to be numerous. As in Chittagong and Tippera, there appear to have been no Appeals from orders passed in cases of a Miscellaneous nature; the Commissioner will be requested to explain this circumstance.

* APPEALS
Criminal Trials.
Preferred, ... 65
Confirmed, ... 34
Modified or reversed, 22
Pending, ... 9
—— 65

464. The Criminal business actually pending in this District on the 31st December last, is noted in the margin,* and requires no remark.

* Heinous Offences, ... 13
Petty Offences, ... 183
Appeals, ... 2
Proceedings from other Districts, ... 0
Miscellaneous Cases, .. 2
——
200

SESSION JUDGE'S COURT.

465. The Sessions of this Joint Magistracy are held at Tippera.

466. At the close of the year 1835 there were no prisoners under trial in the Sessions Court. Thirty-five prisoners were committed during the year 1836 and they were disposed of as noted in the margin.* The small proportion of acquittals to convictions is considered to be satisfactory.

* Acquitted, ... 4
Convicted, ... 31

467. The trials called for at the English sittings and the Appeals from the orders passed by the Session Judge, are included in the remarks recorded regarding the District of Tippera.

COURT OF NIZAMUT ADAWLUT.

468. Remarks regarding the business before the Nizamut Adawlut are also included in the observations recorded for Tippera.

GENERAL REMARKS.

469. None appear to be called for in addition to those above recorded, regarding the state of the Criminal business of this Joint Magistracy. Mr. Bruce, the Officiating Joint Magistrate, appears to be employed in the interior of the District on Revenue duties, the details of the Joint Magistracy being entrusted to Mr. Kemp the Assistant, who was vested with the powers of Joint Magistrate on the 3d of December last, an arrangement the Court cannot consider as likely to tend to the improvement of the Criminal business of this Joint Magistracy, Mr. Kemp having had very little experience, and being placed in a charge of considerable importance without being able to obtain the immediate assistance and advice of his official superior.

ZILLAH JESSORE MAGISTRATE'S COURT.

470. Mr. A. F. Donnelly had the charge of the Magistracy of this District from the 1st of January to the 6th of July, Mr. H. C. Metcalfe from the 7th of July to the 20th of September, Mr. A. F. Donnelly again, from the 21st of September to the 27th of November, and Mr. H. T. Raikes from the 28th of November to the end of the year.

471. At the close of the year 1835, there were one hundred and fifty-six persons under trial; viz. forty-four in jail, and one hundred and twelve on bail, or personal recognizance. Two thousand four hundred and sixty persons were apprehended, or summoned during the year 1836; making a grand total of two thousand six hundred and sixteen; and these persons were disposed of in the mode indicated in the margin.*

* Acquitted,		1100
Convicted,		1293
Committed,		147
Under Trial—		
Jail,	23	76
Bail,	53	
		2616

472. The Statement noted in the margin,* shews the number of persons apprehended, acquitted, and convicted, in "Heinous Crimes," as well as in "Petty Offences." The Court consider the general result to be very satisfactory. They observe, that four hundred and forty-two persons, as noted in the margin,† were acquitted and discharged, in consequence of Razeenamehs being filed, or from the non-attendance of Prosecutors. The Court further observe, that seventy-four persons were punished for "contempt of Court," and sixty-three Chowkeedars, or Police Officers, for "neglect of duty."

* Heinous Crimes,	109
Apprehended,	498
Convicted,	188
Acquitted,	158
Petty Offences,	668
Apprehended,	2118
Convicted,	1105
Acquitted,	942
† Discharged by Razeenameh,	265
Ditto by non-attendance of Prosecutors,	177
	442

473. The number of persons in Jail, or on Bail on the 31st of December last, is noted in the margin* and requires no remark.

* In Jail,	23
On Bail,	53

474. Six cases were pending under Regulation XV. of 1824. Of this number, one case has been pending, more than six months.

475. Sixty-three persons are confined in this District in default of security for good conduct.

* APPEALS.

Criminal Trials.

Preferred,	116
Confirmed,	72
Modified or reversed,	33
Pending,	11
	116

Miscellaneous Cases.

Preferred,	49
Confirmed,	31
Modified or reversed,	17
Pending,	1
	49

* Heinous Offences,	134
Petty ditto,	377
Appeals,	23
Proceedings from other Districts,	55
Miscellaneous Cases,	171
	760

476. The number of Appeals, preferred from the decisions of the Magistrate in Criminal trials, and also in cases of a Miscellaneous nature and the result thereof is noted in the margin.* The number of convictions and orders reversed appear to the Court to be rather numerous.

477. The Criminal business, actually pending in this District, is noted in the margin.* The mass of business pending, and the well known heavy duties, attached to the Magistracy, arising from the number of Indigo Factories situated in this District, render a separation of the offices of Magistrate and Collector, as suggested in a letter from the Court to the address of Mr. Secretary Mangles, dated the 2d of December 1836, No. 2809, very desirable.

SESSION JUDGE'S COURT.

* Session duties—38 days.

478. Mr. C. Phillips was Session Judge of this District, from the 1st January to the 8th November 1836; after which Mr. Templer officiated in that appointment. The time occupied in Criminal duties by Mr. Phillips and Mr. Templer, during the past year, is noted in the margin.*

* Acquitted,	23
Convicted,	97
Referred,	17
Under trial,	20
	157

479. At the close of the year 1835, there were 10 persons under trial; 147 persons were committed during the year 1836, making a grand total of 157, and these persons were disposed of in the mode indicated in the margin.* The result of the commitments is considered by the Court to be very satisfactory, more particularly, as they observe, that the 17 prisoners, whose cases were referred for the final orders of the Court of Nizamut Adawlut, were all convicted and sentenced.

480. The number of trials called for, at the English sittings, was 5; and the sentence of the Session Judge was confirmed in each case.

* Referred,	11
Confirmed,	10
Reversed,	nil
Pending,	1

481. The number of Appeals, preferred from the orders of the Session Judge, and the result thereof, as noted in the margin,* is highly satisfactory.

482. Mr. Garstin, the Officiating Session Judge, in submitting the statements observes, that he has not been able to procure sufficient data to enable him to state how long Criminal trials are usually pending before the Magistrate. The Court observe, that a reference to the Darogah's chalans, vide Form No. 2 prescribed by Regulation XX. 1817 and to the Register Books Nos. 1 and 2, directed to be kept up by Circular Order of 12th April 1811, would readily furnish this information; and they will accordingly, request that it may be prepared and submitted without any further delay. It has always been the custom, Mr. Garstin remarks, for the Session Judges, to take up the commitments as soon as they are reported ready.

COURT OF NIZAMUT ADAWLUT.

483. No prisoners were under reference to this Court from Jessore at the close of the year 1835. The number referred in 1836 was 17, and these prisoners were, as before stated, all convicted and punished.

484. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1836—

By the Nizamut Adawlut.

Imprisonment for life, ...	1
More than 3 and not exceeding 7 years, ...	7
More than 1 and not exceeding 3 years, ...	6
Fined, ...	3
Total	17

By the Session Judge.

More than 7 and not exceeding 14 years, ...	1
More than 3 and not exceeding 7 years, ...	24
More than 1 and not exceeding 3 years, ...	40
Less than 1 year, ...	28
Fined, ...	2
Total	95

By the Magistrate and his Assistants.

Six months and not exceeding 2 years, ...	239
Less than 6 months, ...	576
Fined, ...	420
Corporal punishment, ...	1
Required to furnish security, ...	57
Total	1,293

GENERAL REMARKS.

485. Mr. Donnelly appears to have conducted the Criminal duties of this District with much zeal and assiduity; and the intelligence and activity displayed by him, in apprehending and prosecuting to conviction, a notorious Sirdar Lateal of the name of "Manoollah Sirdar," who appeared from the remarks, submitted

by the Session Judge, to have been frequently employed by the Indigo Planters of that District, as a partizan, in numerous acts of violence, attracted the favorable notice of the Court.

486. The trials, referred by the Session Judge, Mr. Phillips, to this Court, were generally conducted with much regularity, and an examination of the monthly Jail Delivery Statements satisfies the Court, that he paid great attention to his duties.

ZILLAH BACKERGUNGE MAGISTRATE'S COURT.

487. Mr. Lowth officiated as Magistrate of this District from the 1st of January to the 5th March and Mr. Staniforth for the remainder of the year.

488. At the close of the year 1835, there were 387 persons under trial, viz. 45 in jail and 342 on bail or personal recognizance. 3108 persons were apprehended or summoned during the year 1836, making a grand total of 3495,—these persons were disposed of in the mode noted in the margin.*

* Acquitted, ... 822
Convicted, ... 2283
Committed, ... 351
Died, ... 2
Escaped, ... 1
Under Trial—
Jail, ... 22 } 107
Bail, ... 85 }
3495

489. The Statements noted in the margin* exhibit the number of persons that have been apprehended, acquitted and convicted by the Magistrate and his Assistants in "Heinous" as well as in "Petty Offences." The general result is considered to be very satisfactory. Of the 2109 persons convicted of petty offences, 1612 were convicted of assaults, 92 persons were discharged in consequence of Razeenamehs being filed, and 38 on account of the non-attendance of Prosecutors.

* Heinous Offences, .. 101

Apprehended, ... 542
Acquitted, ... 159
Convicted, ... 124
Petty Offences, ... 685

Apprehended, ... 2053
Acquitted, ... 642
Convicted, ... 2109

490. The number of persons in jail or on bail on the 31st December last, is noted in the margin,* and requires no particular remark.

* In Jail, ... 22
On Bail, ... 85

491. Five cases were pending in this District under Regulation XV. of 1834.

492. Fifty-nine persons were confined in this District in default of security for good conduct at the close of the year.

493. The number of Appeals preferred from the decisions of the Magistrate and Joint Magistrate in Criminal trials and also in Miscellaneous cases, and the result thereof, is noted in the margin.* Regarding the Appeals from Criminal trials the Session Judge Mr. Staniforth remarks as follows: "The statement of Appeals from the decisions of the Magistrate and Joint Magistrate exhibits a satisfactory result. As far as my observation has extended the cases investigated by Mr. H. Staniforth the Magistrate, and Mr. Lowth the Joint Magistrate, respectively, evince due care and diligence, together with the exercise of sound judgment; and the great improvement remarkable in the Criminal Statements of the present year is, I am given to understand, principally attributable to the zeal and exertions of the latter Officer."

* APPEALS.
Criminal Trials.
Preferred, ... 208
Confirmed, ... 88
Modified or reversed, 74
Pending, ... 46
208
Miscellaneous Cases.
Preferred, ... 3
Confirmed, ... 2
Modified or reversed, 1
3

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494. The Court do not exactly coincide with Mr. Staniforth in considering the statement of Appeals now before them as exhibiting a satisfactory result, as the orders reversed by the Sessions Judge in Criminal trials appear to be very numerous. The Court however are happy to learn that such Appeals as have come before Mr. Staniforth since he has been in charge of the office evince care and diligence and the exercise of sound judgment on the part of the Magistrate and the Joint Magistrate. This remark of Mr. Staniforth's can only apply however to the Appeals disposed of in 1837, for during the year now under review, viz. 1836, Mr. Maxwell was Session Judge of this District—Mr. Staniforth only assumed charge of the office on the 14th December 1836.

495. With reference to the 4th paragraph of the Circular Order of the 7th of October 1836, Mr. Staniforth remarks as follows: "In compliance with the directions conveyed in your letter of date 7th October last, I beg to state that the number of days usually occupied in disposing of an ordinary Criminal trial before the Magistrate or Joint Magistrate is fifteen. The average number of days which elapse before a case committed to the Sessions is brought up for trial is fourteen. I have directed the Magistrate to keep a memorandum of the number of days each case is pending in his Court so that the average may in future be readily ascertained.

496. The Criminal business actually pending in this District on the 31st December last is noted in the margin.* This Statement calls for no remark.

* Heinous Offences, ..	40
Petty Offences, ...	34
Appeals, ...	11
Proceedings from other Districts, ...	2
Miscellaneous cases, ..	308
	395

SESSIONS JUDGE'S COURT.

497. Mr. Maxwell was Session Judge of the District of Backergunge during the past year, and was occupied in the Sessions Court 97 days.

498. At the close of the year 1835, there were 18 prisoners under trial in the Sessions Court; 361 prisoners were committed during the year 1836, making a total of 369 to which however must be added 12 prisoners received back after reference to the Nizamut Adawlut with instructions from the Court that the Session Judge should complete his proceedings by sentencing the prisoners to such measure of punishment as he might deem proper and to submit the trials to the Court for revision previous to carrying his sentence into execution. This will make a grand total of 381 prisoners and they were disposed of in the mode noted in the margin.* The general result of the commitments is considered by the Court to be creditable to the Magistrates.

* Acquitted, ...	26
Convicted, ...	289
Referred, ...	35
Commitment cancelled,	1
Died, ...	1
Escaped, ...	1
Pending, ...	27
	381

499. Three trials were called for at the English sittings. In one case the sentence was reversed and in two the punishment was enhanced. Three trials were also reversed on a consideration of the monthly Jail Delivery Statements. In one the sentence of the Session Judge was annulled and in the two others the sentences being considered too severe were mitigated.

* Referred, ...	3
Confirmed, ...	1
Reversed, ...	2

500. Three Appeals were preferred from the orders of the Session Judge and the result is noted in the margin.*

COURT OF NIZAMUT ADAWLUT.

Acquitted, ...	5
Convicted, ...	18
Returned to the Session Court, ...	6
Under trial, ...	9
	38

501. Three prisoners were under reference to this Court from Backergunge at the close of the year 1835; 35 were referred in 1836, making a grand total of thirty-eight, and they were disposedof as noted in the margin.*

502. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1836:

By the Nizamut Adawlut.

Deaths, ...	5
Imprisonment for life, ...	4
„ 14 years, ...	8
„ 3 years, ...	1

By the Session Judge.

Above 7 and not exceeding 14 years, ...	16
Above 3 and not exceeding 7 years, ...	102
Above 1 and not exceeding 3 years, ...	163
Less than one, ...	6
Fined, ...	2
Total	289

By the Magistrate and his Assistants.

6 months and not exceeding 3 years, ...	376
Less than 6 months, ...	834
Fined, ...	951
Security required, ...	72
Total	2233

GENERAL REMARKS.

503. Although the convictions have been very numerous in this Zillah both in the Court of the Magistrate and of the Session Judge, the District of Backergunge appears during the latter part of 1835, and the last year, to have been in a state of the greatest anarchy and confusion; plundering expeditions of the

most outrageous nature, were carried on in the day time and in open defiance of the Police.

Koodrutollah and others.

504. The nature of the cases of "attack and plunder" that have taken place are fully set forth, and exhibited, in the three following cases, extracted from the Jail Delivery Statements, for the months of July, August and December last, and submitted by the Session Judge Mr. Maxwell.

"The commitments of these prisoners were ordered on a consideration of "the proceedings of the Magistrate in appeal to this Court on the petition of the "prosecutor, Ramkunaye Shah, a resident shopkeeper in the village of Mohdee-"pore in this District. The prisoners were charged with tumultuously assem-"bling with others in the village of Mohdeepore on the 20th and 21st November "1835, and attacking and plundering the prosecutor's shop and house of cash and "property to the amount of Rupees 5,255-4. The prosecutor described himself "to be a Gomastah in the employ of Mrs. Nancy Munro the holder" under a lease granted 35 years ago, of the Bazar or Bunder of Modheepore, and the origin of the outrage was shewn to have been an attempt on the part of the prosecutors of the Bunder to eject the leaseholder prior to the expiration of her lease. It was proved in evidence that early in the morning of the first day charged in the indictment, Gopee Mohun Gooho and other absentee defendants, accompanied by about 150 persons on the part of the proprietors of the Bunder, arrived by boat and assembled in the vicinity of the prosecutor's shop, where they were hailed by a Police Burkundos and required to disperse, but instead of obeying the injunction they gave chase and compelled him to escape to the further bank of the Nullah, where they commenced their depredations by demolishing a pile of earthen pots. They then returned in the direction of the prosecutor's residence which he quitted on their approach, and in despite of every effort made by the said Burkundos, the Chowkeedars, and the prosecutor's servants to restrain them they demolished the brick pillars, and after wounding one of the servants on the nose by a blow from a brick and tying another up to a pillar at the door they forcibly entered the house, broke down the doors, tore open the matting, and ransacked it of every article of property, comprising brass and pewter utensils of various sorts, and gold and silver ornaments. After completing the destruction of the premises which occupied them till about 10 A. M. they proceeded in the direction of the prosecutor's shop situated a short distance off, the doors of which they broke open with Kodauls or spades, and carried off two boxes, the one containing Rupees 501 in cash, and ornaments in gold and silver, and the other Rupees 150 in cash, five gold mohurs, and sundry papers and accounts, besides 45 bales of country cloths of sorts, five bales of English cloths, and two bales of silk cloths and sundry quantities of betelnut, cotton, goor, &c., from an adjoining Golah, the whole valued at Rupees 5,255-4, which they loaded and departed. On the arrival next day of the Police Moburrir twenty webs of the country cloths, and some of the brass utensils were discovered in the possession of the prisoners Koodrutoollah, Ramsoonder, and Sagurnut, who, with the remainder of the prisoners, were eventually apprehended and their identity sworn to by the witnesses adduced in evidence before this Court. The prisoners on being put on their defence unsuccessfully attempted to

establish an alibi. They were declared by the Futwa of the Law Officer convicted of the charge and liable to discretionary punishment, and in the propriety of this finding I most fully concurred."

Moheschunder Chowdry and others.

"The prisoners No. 13 to 60 inclusive, were charged, on the prosecution of Government, with an outrageous attack on the bazar, and village of Aleemabad, and on the Cutcheries of the Ausut Talookdar, Tabaruckollah, and of his subordinate Howaladar Jugutram Kurr on the 25th June last, corresponding with the 13th Assar 1243, B. S. and with having by force of arms and in defiance of the Police authorities laid waste and plundered the same of property to a large amount. The prisoners Nos. 11 and 12, were charged with being the principals and promoters of the attack and plunder. The local investigation into the circumstances of this disgraceful outrage was conducted by the Officiating Joint Magistrate in person, and from the facts which transpired during the trial it appeared that in the month of July 1835, the prisoner Moheschunder Chowdry the constituted agent of Kanye Laul and Gopal Laul Tukoor, the proprietors of some of the principal estates in this district, purchased at public sale in his own name, but on the part of his employers, a Talook by name Shureefunissah, to obtain possession of which the usual application was made by the Collector, through the Government pleader to the Civil Court, from whence an Ameen was deputed with restrictive powers to put the purchaser in possession of the entire estate, with the exception of Monzah Aleemabad and certain other Ausut Talooks, the right and title of which were then under investigation before the Court. In contravention of this order, a plot was formed by the Zemindarry Omlah on the part of the sale purchaser in this, and the neighbouring estate of Nazirpoor, forcibly to eject the above Talookdars and to take possession of his Cutcherry, and for this purpose an assemblage of fighting men had been collecting from different quarters during ten days previous to the attack, but the presence in the neighbourhood of a detachment of Police Officers headed by the Jemadar seems to have deterred them from their purpose until the day named in the indictment. On the evening of the 23d June, the Jemadar, who on the first intimation of hostile preparations had issued written notice to both parties warning them against a breach of the peace, found it necessary, in consequence of the turbulent spirit manifested by the aggressing party, to remove to the bazar of Aleemabad, and to obtain a reinforcement from the Thannah, and during the ensuing day he succeeded in dispersing a body of insurgents, who had assembled to the number of some hundreds for the declared purpose of plunder. On the ensuing morning the Jemadar and his party successfully opposed the ingress of about 200 persons on the part of the sale purchasers who had assembled on the opposite bank of the river, but at midnight it was reported that persons had begun to arrive in considerable numbers from the direction of Nulcherah, the Sudder Cutcherry of the said Zumeendars in the adjoining estate of Nazirpore, where the prisoner Kasheenath Bose held the post of Naib, and before any successful resistance could be brought forward to oppose them, a body of 150 persons crossed the river, and being immediately afterwards joined by an increase of force from other quarters, the insurgents to the number of between five and six hundred persons, spread in all directions and commenced an indiscriminate attack on the

shops in the bazar and abodes of the villagers, and from thence proceeded to the Cutcherries of the Talookdar and Howaladar which they plundered of treasure and other property including about 700 maunds of rice stored in an adjacent golah which they levelled to the ground, and after having laid waste the entire village they retired laden with booty. The first intimation of the above outrage was conveyed to the Magistrate and simultaneously to this Court, by the Talookdar who in a petition, presented some days afterwards, detailed the circumstances of the attack and prayed for the deputation of a special mission to investigate into the charge, the local Police Officers having, as he alleged, sided with the sale purchasers, and resolved to quash all enquiry. In explanation of such accusation it ought here to be stated that at the period of the purchase of the Talook Shurifunissah by the prisoner Moheshchunder, a very current report prevailed that the purchase was only in part of bona-fide transaction, and that he had admitted as equal sharers of one moiety of his purchase, the Seristadar of the Collectorship and Magistracy, Moulovey, Nooradden and the former proprietor of the estate Shureefodden, alias Mogal Jan; but although the attempts that had been made to ascertain the truth of this statement had proved fruitless, the rumour continued in active circulation up to the period of the trial and was repeated by almost every witness examined before the Court. Possessed of a knowledge of this circumstance, the Officiating Joint Magistrate Mr. Louth, very properly repaired, on hearing of the outrage, to the spot in person, and after a patient investigation, the full extent of this gross breach of the Laws (which the Police Officers had intermediately reported never to have taken place) was ascertained and the offending parties made over for trial at the Sessions. During the progress of the trial 43 persons who had been plundered of their property by the insurgents gave evidence before this Court and the persons of all the prisoners (with the exception of Moheshchunder) and many others not yet apprehended, were distinctly sworn to by a number of witnesses, four of whom deposed to the actual presence of the Naib (the prisoner Kashenath Bose) on board a boat in the nullah at the house of Goursoonder Manjee; to his having sent supplies for the surdars he had deputed; and to his having encouraged them to exertion with the words "Loot toomara, khoon hamara;" and several others deposed to the appearance of a boat in the nullah which was said to contain the said person. From the evidence of the Police Jemadar, it appeared that due information of the turbulent spirit manifested by the assailants prior to the event had been regularly conveyed by him to the Darogah of Gour Nuddy, and that two days after the attack a detailed account of proceedings was drawn out and submitted to the Darogah by himself on his return to the Thannah, but that the former refused to receive it and desired him to prepare one of a contrary complexion, reminding him at the same time, that the Zemindar was a powerful man, and possessed an influential partner in the estate in the person of the Seristadar, which would deter people from coming forward to substantiate the charge, and thus involve them, both the Darogah and Jemadar, in the same penalty which had lately overtaken another Darogah in fulfilment of a similar duty, namely dismissal from office. The Darogah Petumber Mojomdar, on examination before the Court, denied the allegations of the Jemadar, and in testimony of his own utter worthlessness, added on oath that (although within an hour's journey of the field of action) he had never even heard of the outrage until

the arrival, on the 9th July, of the Officiating Joint Magistrate. As however the statement of the Jemadar was confirmed by the evidence of witnesses, the delinquency of both officers, and their unworthiness for employ in the public service, have been duly pointed out to the Magistrate, and an investigation directed into the circumstances of the alleged connexion of the sale purchasers with the Seristadar. The trial was conducted with the aid of four assessors who unanimously found all the prisoners guilty, and in their verdict I most fully concurred."

Saud Udden Kazee and others.

"It appears from the evidence on the trial the outrage had for its origin a dispute relative to a Howalah, or under tenure, between the prisoner Jungoo Khan, (a person related to and of equal desperate character to the prisoner Mohomed Hosein) and a person by name Gour Bose, a partner of the Talookdar Kishennath Aitch, and that as is usual in this District after attempts at an amicable adjustment of their differences had failed recourse was had to force and violence. Towards midnight of the 29th April the assailants, headed by Jungoo Khan, assembled in arms to the number of from 250 to 300 persons in the village of Kishubkotty, and commenced an indiscriminate attack and plunder of the houses of the inhabitants, some of whom they carried off in bondage and confined for several days, after which they attacked the house of the Talookdar, broke open his trunks and boxes and plundered him of cash and personal property to the amount of about 2700 Rupees, besides other property valued at Rupees 1300, belonging to his cousin Rummun Kishen Aitch, who was at the time absent at Burisol, while these outrageous proceedings were in progress. Kishennath Aitch, the Talookdar, descried a Police Burkundoz, who had been employed at the suit of the prisoner Sumboo Das, to arrest his brother, and to him he appealed to check the plunder and destruction of property, but so far from attempting to oppose the assailants he desired the Talookdar to participate in the plunder, and he himself stood by and witnessed the misdeeds of the delinquents whom he followed from the field of outrage with apparent unanimity and good understanding. On the ensuing day intimation of the outrage was lodged at the Thannah, and a statement of circumstances was also conveyed by petition to the Magistrate's Court, from whence an order was issued for the apprehension of the delinquents in the execution of which the Police Officers were overpowered and driven off, and a fabricated case of murder, of which the prisoners Saududden Kazee and five others, have been convicted, was got up against them. The prisoners denied their guilt, but the facts charged were most satisfactorily proved, and the identity of the accused established by unquestionable evidence, which in concurrence with the Futwa of the Law Officer led to the conviction "and punishment of them all."

505. The state of this District appears to require the serious attention of Government; more particularly as the present Session Judge Mr. Staniforth observes, that, although these affrays have become of less frequent occurrence, they appear to be of a more aggravated description.

NUDDEA MAGISTRATE'S COURT.

506. Mr. R. C. Halkett officiated as Magistrate of this District, up to the 26th of August, on which date Mr. W. H. Martin assumed charge of the Magistracy.

507. At the close of the year 1835, there were 113 persons under trial, viz. 62 in jail and 51 on bail, or personal recognizance; 2168 persons were apprehended, or summoned, during the year 1836, making a grand total of 2,281, and these persons were disposed of in the mode noted in the margin.*

* Acquitted, ... 1203
Convicted, ... 908
Committed, ... 76
Died, ... 4
Under Trial —
Jail, ... 45 } 90
Bail, ... 45 }
2281

508. The statements noted in the margin,* exhibit the number of persons that have been apprehended, acquitted and convicted by the Magistrate and his Assistants in "Heinous," as well as in "Petty Offences." The result is by no means favorable, either as regards the proportion of acquittals to convictions in "Heinous Crimes," or "Petty Offences." Of the total number of persons convicted in this District, viz. 908, nearly five hundred have been convicted of the three following offences, viz.

* Heinous Offences, ... 253

Apprehended, ... 442
Acquitted, ... 292
Convicted, ... 121

Petty Offences, ... 417

Apprehended, ... 1839
Acquitted, ... 985
Convicted, ... 787

Contempts of Court, ...	... 125
Neglect of duty, ...	... 223
Bad character, ...	... 141
Total	489

The Court are happy to observe, from an examination of the monthly statements, that some improvement in the Criminal business has been effected by Mr. Martin, during the few months that he has been in charge of this District.

509. The number of persons in jail or on bail on the 31st of December last, is noted in the margin,* and requires no particular remark.

* In Jail, ... 45
On Bail, ... 45

510. No case was pending in this District under Regulation XV. of 1824.

511. Ninety-five persons were confined in this District in default of security for good conduct at the close of the year. The number being unusually large, the Session Judge will furnish a report on the subject.

512. The number of Appeals, preferred from the decisions of the Magistrate in Criminal trials, and also in miscellaneous cases, and the result thereof, is noted in the margin.*

* Appeals.
Criminal Trials.
Preferred, ... 24
Confirmed, ... 16
Modified or reversed, 6
Pending, ... 2
24
Miscellaneous Cases.
Preferred, ... 26
Confirmed, ... 15
Modified or reversed, 8
Pending, ... 3
26

513. The Criminal business actually pending in this District on the 31st December last, is noted in the margin.* This statement calls for no remark.

* Heinous Offences, .. 21
Petty Offences, ... 180
Appeals, ... 9
Proceedings from other Districts, ... } 11
Miscellaneous Cases, .. 40
261

SESSION JUDGE'S COURT.

514. Mr. Udny officiated as Session Judge of this District during the past year: the number of days occupied by Mr. Udny in Criminal duties, is noted in the margin.*

days
* Session Duties, ... 108

515. At the close of the year 1835, there were two persons under trial in the Sessions Court; 72 persons were committed during the year 1836, making a

* Acquitted, ...	24
Convicted, ...	42
Referred, ...	6
Pending, ...	2
	74

grand total of 74; these persons were disposed of in the mode noted in the margin.* Although the proportion of acquittals to convictions is not very great, yet a reference to the monthly Jail Delivery Statements, shews that three or four commitments were made on very insufficient grounds.

516. The number of trials called for, at the English sittings, was only one, and in that case the sentence of the Session Judge was confirmed.

* Appeals preferred, ..	3
Confirmed, ...	1
Reversed, ...	1
Pending, ...	1
	3

517. The number of Appeals preferred from the orders of the Session Judge, and the result thereof, is noted in the margin,* and requires no particular remark.

COURT OF NIZAMUT ADAWLUT.

* Acquitted, ...	2
Under trial, ...	4

518. No prisoners were under reference to this Court from Nuddea at the close of the year 1835; the number referred in 1836, was six, and they were disposed of as noted in the margin.*

519. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1836:

By the Nizamut Adawlut.

No sentence passed.

By the Session Judge.

Above 7 and not exceeding 14 years, ...	8
Above 3 and not exceeding 7 years, ...	33
Less than one year, ...	1
Total	42

By the Magistrate and his Assistants.

Six months and not exceeding 3 years, ...	145
Less than 6 months, ...	407
Fined, ...	275
Security required, ...	111
Total	908

GENERAL REMARKS.

520. An examination of the Returns and Monthly Jail Delivery Statements of this District, leads the Court to apprehend that the state of Criminal Justice is very inefficient; and the manner, in which the preliminary enquiry was made in the case, noted in the margin,* of which the following extract is taken

* Chand Sirdar and others.

from the Monthly Jail Delivery Statements, shews the very neglectful manner in which the Criminal duties of this District have, heretofore, been conducted, and the grievous delay, that has taken place, in investigating the most serious charges. "It appeared, that on the 29th March 1834, in the early part of the morning, "Mr. E. Palmer, an assistant employed at the Neemtollah Factory, belonging to "Mr. D. Andrew, went out attended by Burkundauzes and Coolies, to sow Indigo "on the Soobitpoor plain. On this, the Ryots of Soobitpore and the surrounding villages, which appear all to be held in Izarah by Mr. Piddington, assembled in a large body, and prepared to oppose him. Mr. Palmer was in consequence obliged to retire, and was followed by the other party, who attacked the Factory, and set fire to the Bungalow, which was burned to the ground. Mr. Palmer "effected his escape, but one of the Burkundauzes, who attended him, was killed "by a spear wound in the throat, and another was wounded. Though this disturbance occurred in open day, and in the presence of Police Officers, stationed "at the spot for the purpose of keeping the peace, not one of the parties concerned have been convicted and punished. A counter-complaint was, at the "same time, preferred against Mr. Palmer, for attacking and burning the Soobitpore Cutcherry. This, though afterwards disproved, had the effect of involving the investigation in mystery and difficulty, for the whole of the persons, "whose evidence might have elucidated the case, including Police Officers, were "indiscriminately made prisoners in the case by the Assistant Mr. Steer, who had "been deputed to the spot to enquire into the affray. The whole of the persons "apprehended on the charge, were released by the Magistrate, with reference to "the contradictory nature of the evidence. This order was reversed by the "Commissioner on appeal, who directed the parties, against whom the charge "should be established, according to the Mahomedan law, but more particularly "the persons recognized by the Police Officers, during the disturbance, to be "committed for trial. The prisoners included in the present statement were "accordingly made over for trial at the Sessions by the Magistrate, who, in his "Roobukaree, expressly stated, that he believed them to be innocent, and that he "only committed them, in conformity with the orders of the Commissioner. "Before Mr. Steer, the Police Officers did not mention any of the prisoners as "recognized by them, and it was not till six months afterwards, when re-examined "by the Magistrate, that they named them as persons whom they identified during "the disturbance. Under such circumstances, it was utterly impossible to attach "credit to their evidence. In fact, the length of time, which has elapsed since "the occurrence took place, and the very imperfect and unsatisfactory manner in "which the enquiry was originally conducted, render it most unsafe to place "reliance on the evidence in this case; which, if acted on, would probably lead "to the punishment of more innocent, than guilty persons. The Futwa acquitted "all the prisoners, and in the opinion recorded by my Law Officer I fully "concurred."

521. The trials submitted to the Court by the Officiating Session Judge, Mr. Udny, were not generally considered by the revising Judges, to have been conducted in a very regular manner, much unnecessary evidence was recorded, and the examinations of the witnesses appeared to contain much irrelevant matter

thereby rendering the proceedings exceedingly tedious, and giving rise to considerable delay in the final disposal of the cases; some few irregularities were also noticed by the Court, in the Monthly Jail Delivery Statements.

24-PERGUNNAHS MAGISTRATE'S COURT.

522. Mr. J. H. Patton was Magistrate of this District throughout the past year.

* Acquitted,	309
Convicted,	2057
Committed,	24
Still Pending—	
In Jail, 4	13
On Bail, 9	
	2403

523. At the close of the year 1835, there were 14 persons under trial, all of whom were on bail, or personal recognizance; 2389 persons were apprehended or summoned during the year 1836, making a grand total of 2403. These persons were disposed of in the mode indicated in the margin.*

524. Mr. Pigou, the Commissioner, observes, that these results are, in his opinion, of the most satisfactory nature, shewing how continually the attention of the Magistrate has been drawn to prevent the apprehension of persons on insufficient grounds, and how successful he has been in the attainment of that object.

* Heinous Offences,	239
Apprehended,	303
Acquitted,	93
Convicted,	189
Petty Offences,	502
Apprehended,	2100
Acquitted,	219
Convicted,	1868

525. The Statement, given in the margin,* fully corroborates the opinion recorded by the Commissioner, and the Court have observed, with much satisfaction, that Mr. Patton has been very successful in bringing a large portion of the persons, apprehended on charges of a heinous nature, to punishment. Of the persons "convicted and sentenced" in petty offences, the Court observe the cases of 488 Chokeedars or Police Officers, who have been punished for neglect of duty. Only 10 persons were released in consequence of Razeenamehs being filed, and 8 from the non-attendance of the Prosecutors.

* In Jail,	4
On Bail,	9
	13

526. The number of persons in jail or on bail on the 31st December last, is noted in the margin,* and is considered to be very creditable to the Magistrate.

527. One case only was pending under the rules of Regulation XV. 1824 at the close of the year.

* Appeals	
Criminal Trials	
Preferred,	50
Confirmed, 28	
Modified or reversed, 22	
	50
† *Miscellaneous Cases.*	
Preferred,	40
Confirmed, 24	
Modified or reversed, 13	
Pending, 3	
	40
* Heinous Offences,	1
Petty Offences,	4
Appeals,	0
Proceedings from other Districts,	6
Miscellaneous Cases,	159
	170

528. Seventy-five persons were in confinement in default of security for good conduct on the 31st December last.

529. The number of Appeals, preferred from the decisions of the Magistrate in Criminal trials, and the result thereof, is noted in the margin.* Similar information was also given in the margin,† regarding the Appeals preferred from orders passed by the Magistrate in Miscellaneous cases.

530. The Criminal business actually pending in this District on the 31st December last, is noted in the margin,* and the Statement is considered to be highly satisfactory.

531. The Joint Magistracy of Baraset was held during the past year by the Officers whose names are noted in the margin.*

* Mr G W Battye from the 1st January to the 12th December, and Mr. Deedes from 12th December to the end of the year.

532. At the close of the year 1835, there were 54 persons under trial, viz. 12 in jail and 42 on bail or personal recognizance,—922 persons were apprehended or summoned during the year 1836, making a grand total of 976. These persons were disposed of in the mode indicated in the margin.* The Commissioner, Mr. Pigou, observes that "although the comparative number of convictions to acquittals is not so favorable as in the 24-Pergunnahs, yet I cannot consider the results as otherwise than satisfactory."

* Acquitted,		329
Convicted,		577
Committed,		41
Escaped,		2
Still Pending—		
In Jail,	13	27
On Bail,	14	
		976

533. The Statement noted in the margin,* shews the number of persons apprehended, convicted and acquitted in "Heinous Crimes," as well as in "Petty Offences." Amongst the persons "convicted and sentenced" for petty offences, the Court observe, that 108 Chokeedars or Police Officers, have been punished for neglect of duty, and 63 persons for false complaints, 3 persons only were discharged in consequence of Razeenamehs being filed. From this analysis of the Statements, the Court cannot consider the general result, as regards the persons convicted of heinous crimes, as very satisfactory, although the Joint Magistrate has undoubtedly been successful in obtaining evidence sufficient to convict a large proportion of persons, who had been guilty of petty offences.

* Heinous Offences,	146
Apprehended,	226
Convicted,	49
Acquitted,	131
Petty Offences,	649
Apprehended,	750
Convicted,	528
Acquitted,	198

534. The number of persons in jail or on bail is noted in the margin,* and requires no particular remark.

* In Jail,	13
On Bail,	14
	27

535. No cases were pending under Regulation XV. 1824.

536. Twenty-seven persons were confined in default of security for good conduct.

537. The number of Appeals, preferred from the decisions of the Joint Magistrate in Criminal trials and Miscellaneous cases, and the result thereof is noted in the margin ;* the result is considered satisfactory.

538. The Criminal business actually pending in this Joint Magistracy on the 31st December last, is noted in the margin ;* and requires no particular orders.

* APPEALS.		
Criminal Trials.		
Preferred,		66
Confirmed,	44	
Modified or reversed,	21	
Pending,	1	
		66
Miscellaneous Cases.		
Preferred,		22
Confirmed,	14	
Modified or reversed,	8	
		22
* Heinous Offences,		9
Petty ditto,		7
Appeals,		0
Proceedings from other Districts,		1
Miscellaneous cases,		66
		83

SESSION JUDGE'S COURT.

539. Mr. C. R. Martin and Mr. E. R. Barwell performed the duties of Session Judge of the 24-Pergunnahs during the past year ; the number of days that these Officers were employed in the Session Court was 45.

540. At the close of the year 1835, there were four persons under trial, 64 persons were committed during the year 1836, making a grand total of 68 : these

* Acquitted, ...	19
Convicted, ...	19
Referred, ...	11
Died, ...	1
Still under trial, ...	18
	68

prisoners were disposed of in the mode indicated in the margin.* The proportion of persons acquitted, out of those who have as yet been brought to trial, is apparently large, but a careful examination of the Monthly Jail Delivery Statements, shews that, in every trial, the Session Judge was of opinion that the Magistrate and Joint Magistrate were perfectly correct in making the commitment. The Court consider this to be very creditable to those Officers.

541. The Court observe, from the Jail Delivery Statements of June last, that, in consequence of certain circumstances that appeared on the trial of Bulram Chokeedar No. 1 of Statement No. 2, they deemed it proper to address the Commissioner of Circuit, suggesting the propriety of removing that person from the office of Chokeedar, as being no longer trustworthy. The Court have no reason to doubt, that their suggestion has been acted upon by the Commissioner; but, as Act VII. 1835, enables the Right Hon'ble the Governor to define the powers, that shall be exercised by the Session Judges and Commissioners of Circuit, respectively, the Court would suggest, in order to avail this circuitous and dilatory mode of proceeding, that, whenever any gross misconduct on the part of any Native Officer may appear in the course of a Criminal trial, the Session Judge holding the trial, should be competent to order his immediate dismissal from office, communicating the order, with the grounds of his opinion, to the Magistrate, who should either conform thereto, or report the case to this Court for final orders.

542. No trial appears to have been called for at the English sittings under Section V., Regulation IX. 1831.

* Confirmed, ...	nil
Modified or reversed, ...	3

543. The number of Appeals preferred from the orders of the Session Judge was three, and they were disposed of as noted in the margin.*

NIZAMUT ADAWLUT.

* Preferred, ...	11
Acquitted, ...	1
Convicted, ...	8
Died, ...	2
	11

544. No prisoners were under reference from this District to this Court at the close of the year 1835; the number referred in 1836 was 11, and they were disposed of as noted in the margin.*

545. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1836:

By the Nizamut Adawlut.

Death, ...	2
Imprisonment for life, ...	1
Above 7 and not exceeding 14 years,...	5
Total	8

By the Session Judge.

Above 7 and not exceeding 14 years,	...	...	2
Above 3 and not exceeding 7 years, ...	...	...	16
Above 1 and not exceeding 3 years, ...	...	...	1
		Total	19

By Magistrate of the 24-Pergunnahs and his Assistants.

More than 6 months and not exceeding 3 years, ...				... 134
Less than 6 months,	...	...	...	... 509
Fined, ...	...	...	...	...1218
Security required,	...	...	...	... 92
Dismissed from office,	...	...	...	... 104
				Total 2057

By Joint Magistrate of Baraset.

More than 6 months and less than 3 years,			...	... 68
Less than 6 months,	...	...	...	... 259
Fined, ...	...	...	...	... 179
Security required,	...	...	...	... 26
Dismissed from office,	...	...	...	... 45
				Total 577

546. On a consideration of these statements, which were submitted by Mr. Pigou, with a letter dated the 28th February, the Court are of opinion, that the District of the 24-Pergunnahs may be considered in a very efficient state, as regards the administration of Criminal Justice; and that much credit is due to Mr. Patton for the very satisfactory manner in which he has conducted the duties of his Office. Mr. Battye, the Joint Magistrate at Baraset, also appears to have been generally successful in his exertions, and the Criminal trials and Jail Delivery Statements, that have been submitted to the Court by Mr. Martin and Mr. Barwell, evince that every attention has been paid by those Officers to their duties as Session Judges.

(*Extract.*)

CUTTACK MAGISTRATE'S COURT.

547. Mr. Mills was in charge of the Cuttack District during the past year.

*Acquitted,	836
Convicted,	628
Committed,	38
Died,	2
Under Trial—	
In Jail, 4	12
On Bail, 8	
	1516

548. At the close of the year 1835, there were 46 persons under trial, viz. 10 in jail and 36 on bail, or personal recognizance,—1470 persons were apprehended or summoned during the year 1836, making a grand total of 1516,—these persons were disposed of in the mode noted in the margin.*

* Heinous Crimes,	1490
Apprehended,	534
Acquitted,	271
Convicted,	230
Petty Offences,	610
Apprehended,	982
Acquitted,	565
Convicted,	398

549. The Statements noted in the margin* exhibit the number of persons that have been apprehended, acquitted, and convicted, by the Magistrate and his Assistants in "Heinous Crimes" as well as in "Petty Offences." This result the Court regret to say, cannot be considered as satisfactory, and they entirely concur with Mr. Mills in the opinion expressed in his letter of the 2nd of February 1836, that "the Police and Magisterial, and Fiscal departments should be separated," and that the present system has "in its practical application failed," 89 persons were acquitted, in consequence of Razeenamehs being filed, and 10 from the non-attendance of Prosecutors. 555 burglaries and 763 thefts are reported to have taken place in the District of Cuttack, during the past year; and as very few of these cases appear from the operation of Regulation II. of 1832 to have been investigated by the Police, the effects of this Regulation have no doubt produced this fearful increase of crime; as owing to the apathy of the persons robbed, no charges are formally preferred, and the burglars and thieves are consequently allowed to enjoy their spoil with impunity.

* In Jail,	4
On Bail,	8

550. The number of persons in jail or on bail, on the 31st of December last, is noted in the margin.* This return is creditable to the Magistrate, Mr. Mills, more particularly as two of the prisoners in confinement, are detained by order of the Superintendent of the Tributary Estates.

551. Four cases were pending in this District under Regulation XV. of 1824.

552. Eleven persons were confined in this District in default of security for good conduct at the close of the year.

* APPEALS.	
Criminal Trials.	
Preferred,	4
Confirmed, 3	
Modified or reversed, 1	4
Miscellaneous Cases.	
Preferred,	25
Confirmed, 10	
Modified or reversed, 14	
Pending, 1	25
* Heinous Offences,	3
Petty ditto,	8
Appeals,	0
Proceedings from other Districts,	0
Miscellaneous Cases,	49

553. The number of Appeals preferred from the decisions of the Magistrate in Criminal trials, and also in Miscellaneous cases, and the result thereof, is noted in the margin.* The Appeals preferred from orders passed in Criminal trials are very few. The orders modified or reversed in cases of a Miscellaneous nature are considered by the Court to constitute a large proportion.

554. The Criminal business actually pending in this District on the 31st December last, is noted in the margin:* this Statement is considered to be satisfactory, and creditable to the Magistrate, Mr. Mills.

JOINT MAGISTRACY OF KHOORDAH.

555. Mr. W. Wilkinson was Magistrate of the District, but Mr. Graham, the Officiating Joint Magistrate, appears to have been in charge of the Magistracy until the 3d of June, on which day he delivered over charge to Mr. Ewart. Mr. Ewart delivered over charge to Mr. Wilkinson on the 29th of November,

and Mr. Wilkinson to Mr. B. Colvin on the 19th December, who retained it until the end of the year.

556. At the close of the year 1835, there were 3 persons under trial, all of whom were on bail. 1140 persons were apprehended or summoned during the year 1836, making a grand total of 1143,—these persons were disposed of as noted in the margin.*

* Acquitted, ...	410
Convicted, ...	594
Committed, ...	116
Died, ...	18
Escaped, ...	2
Under Trial—	
Jail, ... 1	3
Bail, ... 2	
	1143

557. The Statements noted in the margin,* exhibit the number of persons that have been apprehended, acquitted and convicted by the Magistrate, and his Assistants, in "Heinous Crimes" as well as in "Petty Offences." The results are considered by the Court to be satisfactory. Burglaries and thefts, however, appear to be very prevalent in this jurisdiction, eight persons were relesad in consequence of Razeenamehs being field.

* Heinous Crimes, ...	898
Apprehended, ...	558
Acquitted, ...	335
Convicted, ...	299
Petty Offences, ...	264
Apprehended, ...	585
Acquitted, ...	175
Convicted, ...	205

558. The number of persons in jail or on bail, on the 31st of December last, is noted in the margin.* This return is creditable to the Officiating Joint Magistrate, Mr. Colvin.

* In Jail, ...	1
On Bail, ...	2

559. Three cases were pending in this District under Regulation XV. of 1824.

560. Six persons were confined in this District in default of security for good conduct at the close of the year.

561. The number of Appeals preferred from the decisions of the Joint Magistrate in Criminal trials, and also in cases of a Miscellaneous nature, and the result thereof is noted in the margin.* The circumstance of only one Appeal having been preferred from the orders of the Joint Magistrate, shews that the parties who came before him had no good reason to impugn his decisions.

* APPEALS.		
Criminal Trials.		
Preferred, ...		1
Confirmed, ...	0	
Modified or reversed,	1	
		1
Miscellaneous Cases.		
Preferred, ...		11
Confirmed, ...	3	
Modified or reversed,	7	
Pending, ...	1	
		11
* Heinous Offences, ..		0
Petty ditto, ...		2
Appeals, ...		1
Proceedings from other Districts, ...		1
Miscellaneous cases, ..		146
		150

562. The Criminal business actually pending in this District on the 31st December last, is noted in the margin.* This return must be considered as highly satisfactory.

JOINT MAGISTRACY OF BALASORE.

563. Mr. J. Grant had charge of the Balasore Magistracy from the 1st of January to the 31st of May. On the 1st of June Mr. Grant delivered over charge to Mr. Scott, and in consequence of Mr. Scott's severe illness, he delivered over charge to Mr. Vansittart on the 16th August, and on the 18th of August Mr. Vansittart delivered over charge to Mr. Repton. Mr. Repton delivered over charge to Mr. Vansittart on the 1st of November, and on the 27th of December Mr. Vansittart again delivered over charge to Mr. Repton, who remained in charge of the Magistracy up to the 31st of December 1836. Thus making six changes in the Joint Magistracy of this jurisdiction in the course of twelve months.

* Acquitted,	219
Convicted,	206
Committed,	7
Died,	3
Escaped,	1
Under Trial—	
Jail, 6 / Bail, 13	19
	448

564. At the close of the year 1835, there were seven persons under trial, all of whom were on bail or personal recognizance. 448 persons were apprehended or summoned, during the year 1836, making a grand total of 455; these persons were disposed of as noted in the margin.*

* Heinous Crimes,	263
Apprehended,	159
Acquitted,	92
Convicted,	59
Petty Offences,	259
Apprehended,	296
Acquitted,	127
Convicted,	147

565. The statements noted in the margin,* exhibit the number of persons that have been apprehended, acquitted, and convicted by the Magistrate and his Assistants, in "Heinous" and "Petty Offences." The Court cannot consider these results to be altogether satisfactory, particularly as regards the proportion of acquittals to convictions, in "Heinous Offences." They agree, however, with the Commissioner, Mr. Ricketts, in his opinion, that "It would be impolitic to "press too far this primâ facie evidence of inefficient management," and the Court must deprecate any remarks on the part of the superior authorities, that may lead the Magistrate to feel, that he has a direct stake, in the guilt or innocence of a prisoner, from the moment he is apprehended; or to let him suppose that by the acquittal of the delinquent, his discrimination, his judgment and the propriety of his conduct would be immediately impugned by this Court, or by the Government, such a feeling, if once introduced into the Magistracy, would lead in the judgment of the Court, to the most serious consequences, and would inevitably produce all those errors, that must ensue from acting on a continuous and accelerated impulse.

566. Eleven persons were discharged in consequence of Razeenamehs being filed, and three from the non-attendance of prosecutors.

* In Jail,	6
On Bail,	13

567. The number of persons in jail or on bail on the 31st of December last, is noted in the margin.* The result is considered satisfactory.

568. No cases were pending in this jurisdiction, under Regulation XV. of 1824.

569. No persons were confined in this jurisdiction in default of security for good conduct at the close of the year.

* APPEALS.	
Criminal Trials.	
Preferred,	1
Confirmed, 0 / Modified or reversed, 1	1
Miscellaneous Cases.	
Preferred,	32
Confirmed, 15 / Modified or reversed, 14 / Pending, 3	32
* Heinous Offences,	1
Petty ditto,	32
Appeals,	1
Proceedings from other Districts,	0
Miscellaneous cases,	11
	44

570. The number of Appeals preferred from the decisions of the Joint Magistrate in Criminal trials and also in Miscellaneous cases, and the result thereof is noted in the margin.* As in the other Divisions of Cuttack, the Court remark that the number of Appeals preferred in Criminal trials is remarkably small, and the number of orders reversed in cases of a Miscellaneous nature exceedingly large.

571. The Criminal business actually pending in this Joint Magistracy on the 31st December last, is noted in the margin.* This statement is considered satisfactory.

SESSION JUDGE'S COURT.

572. Mr. R. Williams was Session Judge of this District, from the 28th March to the 18th June, and Mr. Hathorn from the 5th of September to the 31st

of December. The number of days devoted by these Officers to the duties of the Sessions respectively, is noted in the margin.*

	Days.
* Mr. Williams, ...	12
Mr. Hathorn, ...	48
Total	60

573. At the close of the year 1835, there were no persons under trial in the Sessions Court, 152 prisoners were committed during the year 1836, and they were disposed of in the mode noted in the margin.* The result is particularly satisfactory; more especially as the Court observe that the greater part of the prisoners referred to this Court, were eventually convicted and sentenced. The great proportion of convictions took place in one case, in which 80 individuals were convicted of rebellion, having been committed by the Magistrate of Khoordah.

* Acquitted, ...	11
Convicted, ...	35
Referred, ...	95
Pending, ...	4
Died, ...	7
	152

COMMISSIONER'S COURT.

574. Nine persons were tried by the Commissioner of Cuttack during the past year, and they were disposed of as noted in the margin.*

* Convicted, ...	4
Referred, ...	5

575. No cases were called for from the Session Judge during the past year; in one case a sentence was mitigated on inspection of the Monthly Jail Delivery Statements. Two cases tried by the Commissioner were sent for, at the English sittings, and in both instances the sentences passed were enhanced.

576. One Appeal was preferred from the orders of the Session Judge, and in that the sentence passed by the Session Judge was modified or reversed.

COURT OF NIZAMUT ADAWLUT.

577. No prisoners were under reference from Cuttack to this Court, at the close of the year 1835, the number referred in 1836 was 99, and they were disposed of as noted in the margin.*

* Acquitted, ...	7
Convicted, ...	9
Referred, ...	83
	99

578. The following is an abstract of the sentences passed on the prisoners, convicted in this District during the year 1836.

By the Nizamut Adawlut.

Death, ...	2
Imprisonment for life, ...	3
Imprisonment for 14 years, ...	1
Imprisonment for 7 years, ...	2
Less than one year, ...	1
Total	9

By the Commissioner of Circuit.

Imprisonment for 5 years, ...	1
Less than one, ...	3
Total	4

By the Session Judge.

More than 7 and not exceeding 14 years, ...	1
More than 3 and not exceeding 7 years, ...	15
More than 1 and not exceeding 3 years, ...	17
Less than one year, ...	2
Total	35

By the Magistrate of Cuttack and his Assistants.

Six months and not exceeding 3 years, ...	95
Less than 6 months, ...	231
Fined, ...	287
Security required, ...	15
Total	628

By the Joint Magistrate of Koordah and his Assistants.

Six months and not exceeding 3 years, ...	73
Less than 6 months, ...	277
Fined, ...	233
Security required, ...	13
Total	594

By the Joint Magistrate of Balasore and his Assistants.

Six months and not exceeding 3 years, ...	36
Less than 6 months, ...	41
Fined, ...	126
Security required, ...	3
Total	206

GENERAL REMARKS.

579. The Statements for Cuttack, Khoordah and Balasore, were submitted by the Commissioner, Mr. Ricketts, with a letter dated the 11th March 1837, the nature of that communication having been commented upon, in the Resolutions of the Court recorded on an examination of the Annual Criminal Statements for the District of Midnapore, the Court do not consider it necessary to dwell any further on this subject, and they trust that Mr. Ricketts in forwarding the Annual Statements for the year 1837, will submit to the Court, as soon as possible after the close of the year, a full report on the state of the administra-

tion of Criminal Justice for the Province of Cuttack; to which District, under the special recommendation of the Court, the provisions of Act VII. 1835 have not yet been introduced.

580. The Court observe, that the Magistrates and Joint Magistrates of this Province, as well as the Commissioner, Mr. Ricketts, have omitted to furnish the information called for by the 4th paragraph of the Circular Order of the 7th of October 1836. This information may be readily obtained by a reference to the chellauns of the Darogahs form No. 2, Regulation XX. 1817, and to the Register books of "Heinous" and "Petty Offences" ordered to be kept up by the Circular Order of the 12th of April 1811, and the Court accordingly request that Mr. Ricketts will furnish these details both from the Magistrates and the Session Judge's Courts with all practicable despatch.

581. With regard to the general state of this Province the Court are of opinion, that a great improvement would be effected by the separation of the Magistracy and Collectorate of Cuttack; they do not imagine that this arrangement would be attended with any additional expense to Government, as no less than five Civil Servants as noted in the margin* are already employed in the Magisterial and Revenue duties. If therefore instead of this number of Officers, one individual had charge of the Revenue Department, and another was placed in charge of the Magistracy, the Court cannot doubt that the duties of both would be conducted in a manner much more satisfactory to the functionaries themselves, and also with greater advantage to the public service.

* Mr. Mills, Magistrate.
Mr. A. Forbes, Joint Magistrate.
Mr. C. Graham, Joint Magistrate.
Mr. G. Martin, Assistant.
Mr. H. Bayley, Assistant.

582. No alteration of system appears to be requisite in Khoordah or Balasore. The duties of the Magistracy appear to be generally light, (particularly in Balasore), and there seems no reason why one Officer should not be able to conduct all the duties.

583. Burglaries and thefts appear to be very prevalent in the Province of Cuttack: upwards of 2000 have been actually reported to the Magistrates. Regulation II. 1832 would therefore certainly appear to have been attended with the worst possible effects in this Province.

584. Mr. Hathorn, the Session Judge, has conducted the duties of the Sessions to the entire satisfaction of the Court.

MIDNAPORE MAGISTRATE'S COURT.

585. The Officer in charge of the District of Midnapore during the past year, appears from the return to the Circular Order of the 9th December last, to have been Mr. D. Money, the Joint Magistrate. Should this have been the case, the arrangement was in violation of Mr. Secretary Macsween's letter of the 1st of September 1834, circulated for the information of the judicial authorities, on the 25th of September 1834.

* Acquitted, ...	715
Convicted, ...	633
Committed, ...	142
Under Trial—	
Jail, ... 1	31
Bail, ...30	
	1521
* Heinous Crimes,....	290
Apprehended, ...	613
Convicted, ...	174
Acquitted, ...	297
Petty Offences,.....	439
Apprehended, ...	908
Convicted, ...	459
Acquitted, ...	418

586. At the close of the year 1835, there were 53 persons under trial, viz. 13 in jail and 40 on bail or personal recognizance; 1468 persons were apprehended or summoned during the year 1836, making a grand total of 1521; these persons were disposed of in the mode noted in the margin.*

587. The statement given in the margin,* shews the number of persons apprehended, convicted, and acquitted in "Heinous Crimes" as well as in "Petty Offences." The result is not considered by the Court to be satisfactory; the proportion of acquittals to convictions is much greater than it ought to be in any well regulated District. For "Heinous Offences" the Court consider that about one-half of the persons apprehended ought to be convicted and punished, and for "Petty Offences" they are of opinion that the convictions to the acquittals, ought to be in a ratio of about three to one. 165 persons have been punished for neglect of duty, 47 were acquitted in consequence of Razeenamehs being filed, and 31 from the non-attendance of prosecutors.

* In Jail, ...	1
On Bail, ...	30

588. The number of persons in jail or on bail on the 31st of December last, is noted in the margin.* This statement is considered satisfactory. The Court observe that in the return for December, two persons are stated to be in jail, and 29 on bail, the Magistrate will be pleased to state which of these returns is correct.

589. No cases were pending under Regulation XV. 1824, in this District, at the close of the year 1836.

590. Fifteen persons were confined in default of security for good conduct, on the 31st of December last.

* APPEALS.	
Criminal Trials.	
Preferred, ...	7
Confirmed, ... 5	
Modified or reversed, 2	
	7
Miscellaneous Cases	
Preferred, ...	43
Confirmed, ...17	
Modified or reversed,25	
Pending, ... 1	
	43
* Heinous Offences, ..	9
Petty ditto, ...	121
Appeals, ...	5
Proceedings from other Districts, ...	0
Miscellaneous Cases, ..	25
	160

591. The number of Appeals preferred from the decisions of the Joint Magistrate in Criminal trials and also in Miscellaneous cases, and the result thereof is noted in the margin.* The number of orders reversed in Miscellaneous cases cannot be considered creditable to the judgment of Mr. Money.

592. The Criminal business actually pending in this District, on the 31st December last is noted in the margin.* This statement appears to call for no particular remark.

JOINT MAGISTRACY OF HIDGELEE.

593. Mr. Skinner was in charge of the Joint Magistracy of Hidgelee, from the 1st of January to the 18th of April on which date he made over charge to Mr. Gilmore, who continued to officiate as Joint Magistrate during the remaining months of the year.

594. At the close of the year 1835, there were 76 persons under trial; viz. 25 in jail and 51 on bail or personal recognizance. 467 persons were apprehended

during the year 1836, making a grand total of 543, and these persons were disposed of as noted in the margin.*

* Acquitted, ...	238
Convicted, ...	217
Committed, ...	30
Died, ...	2
Under Trial—	
Jail, ... 48	56
Bail, ... 8	
	543
* Heinous Crimes, ...	68
Apprehended, ...	174
Convicted, ...	35
Acquitted, ...	71
Petty Offences, ...	121
Apprehended, ...	369
Convicted, ...	182
Acquitted, ...	167

595. The statement given in the margin,* shows the number of persons, apprehended, convicted, and acquitted, in "Heinous Crimes" as well as in "Petty Offences." As remarked for the District of Midnapore, the proportions of acquittals to convictions in this Joint Magistracy, are not considered to be satisfactory. The Joint Magistrate has omitted to enter any detail of the Miscellaneous crimes and offences, as particularly enjoined to do, by the 3d and 4th paragraphs of Mr. Secretary Macsween's letter of the 10th of November 1834, circulated on the 12th of December of the same year. The Commissioner also has omitted to notice this neglect, or to rectify the Statement, as requested by the 2d, 3d and 4th paragraphs of the Circular Order of the 15th of January 1836. The Court accordingly direct, that Mr. Gilmore furnish this information with all practicable despatch; he will submit the return through the Session Judge, accompanied by any explanation he may have to offer—13 persons were discharged in consequence of Razeenamehs being filed and 5 from non-attendance of Prosecutors.

596. The number of persons in jail or on bail, on the 31st December last, is noted in the margin.* Considering that Hidgelee is a small Joint Magistracy the number of persons in jail, or in confinement, appears to be considerable.

* In Jail, ...	48
On Bail, ...	8

597. No cases were pending under Regulation XV. 1824, in this Joint Magistracy at the close of the year.

598. No persons were confined in default of security for good conduct on the 31st of December last.

599. The number of Appeals preferred from the decisions of the Joint Magistrate in Criminal trials and also in Miscellaneous cases and the result thereof is noted in the margin.* The number of orders reversed in cases of a Miscellaneous nature, bears a high proportion to those confirmed.

* APPEALS.	
Criminal Trials.	
Preferred, ...	1
Confirmed, ... 0	
Modified or reversed, 1	
	1
Miscellaneous Cases	
Preferred, ...	31
Confirmed, ...16	
Modified or reversed, 14	
Pending, ... 1	
	31
* Heinous Offences, ..	17
Petty Offences, ...	121
Appeals, ...	0
Proceedings from other Districts, ...	2
Miscellaneous Cases, ..	27
	167

600. The Criminal business actually pending in this Joint Magistracy on the 31st December last, is noted in the margin.* This statement appears to call for no remark.

601. Mr. Money and Mr. Gilmore as well as the Commissioner, Mr. Ricketts, having omitted to furnish the information called for by the Court in their Circular Order of the 7th of October 1836, paragraph 4, the Session Judge will be directed to call upon the Magistrates of Midnapore and Hidgelee, to furnish the requisite details, without any further delay, explaining at the same time why they have neglected to comply with the order above alluded to.

SESSION JUDGE'S COURT.

602. Mr. Dick officiated as Session Judge of Midnapore, during the past year, and was employed for two months and twenty days in the duties of the Sessions.

* Acquitted, ...	79
Convicted, ...	71
Preferred.	8
Under trial, ...	24
	182

603. At the close of the year 1835, there were seven prisoners under trial, 172 persons were committed during the year 1836, and three were referred back after reference to the Nizamut Adawlut, making a grand total of 182; these prisoners were disposed of as noted in the margin.* The result of the commitments is exceedingly unsatisfactory: 27 persons were acquitted and discharged at the August Sessions, and 13 in the September Sessions; and a careful examination of the Monthly Jail Delivery Statements satisfied the Court, that the commitments were generally very badly made, evincing a great want of experience, and deficiency of judgment; on the part of the Joint Magistrate of Midnapore, Mr. Money, and the Joint Magistrate of Hidgelee, Mr. Gilmore. In support of these remarks the Court annex the four following cases taken from the Monthly Jail Delivery Statements.

Case No 1, Jugmohun Mullick and others.

"No particular witnesses were summoned by the Session Court. But the "evidence adduced and entered in the calendar, was so unsatisfactory and incon-"clusive, that the Magistrate was directed to state specifically in the calendar, "on which particular documents, and on the testimony of what witnesses, he had "committed each prisoner. As the case came before the Session Court all but "one of the prisoners must have been acquitted; the evidence being so defec-"tive; while it was clear, that enough of the evidence must be or should be "available from the Collector's office, to ensure a conviction." This commitment was made by Mr. Money.

Case No. 2, Moorly Mehtee and others.

"This is no case of Highway Robbery. The Prosecutor is the Gomastah "of the village of which the prisoners are ryots, much enmity existed between "them, and charges and complaints were brought into the Fouzdarry Court by "both parties against each other. In this case, the Prosecutor's statement is, "that he left the village after nightfall in company with a single peon, carrying "with him 64 rupees and collections of rent; that on the way the prisoners with "others, in all 20 or 25 persons, attacked him, beat him, and plundered him of "the rupees, and thinking him to be dead, took him to the distance of a koss, "and there put him down in another village, telling the peon to go and place "some papers of his near the spot, and give out that the Prosecutor had been "attacked by dakytes, killed and plundered. The witnesses attempted to prove "this, but the two main points were not proved; first, that the money had been "actually collected and taken by Prosecutor with him, and second that he had been "so severely beaten. On the first point the Prosecutor and witnesses differed so "materially as to render their testimony false. On the second point the only wit-"nesses were these said people, dependants of Prosecutor; for the Police neg-"lected to make any inquest as to marks of violence on the Prosecutor's body! "Besides, the whole story was most improbable, and bore evident marks of un-"truth. It is in the investigation of such charges, that the want of *experience*, "and a *practical* professional education is lamentably apparent, and pregnant "with evil. The Courts of Justice becoming instruments of oppression in the "hands of designing villains. The Futwa acquitted, I agreed and ordered re-"lease." This commitment was made by Mr. Money.

Case No 3, Goluck Barah and others.

"The statement of the Prosecutrix, widow of the deceased is, that her hus-"band was called away in the night by the prisoner No. 4, Dusrut, Sawont, and

" never returned. On her going to Dusrut the next day, and enquiring for the " deceased, Dusrut denied having called him away. She then sent some of her " relatives to search, and the next day the body was found in a river some dis- " tance off. Two wounds of a spear in the chest, and the head severed, which " was found at a distance from the body. Intimation was given at the Thannah, " the Darogah entered upon an inquest, and as the Joint Magistrate happened to " be encamped near the place, he proceeded to the spot, and also made an inves- " tigation, nothing transpired and no suspicion was raised against any person. " The impression was, that the deceased, a bad character, had been concerned in a " burglary with Dusrut, and some others, and getting wounded was killed by them " to prevent detection through him, and this was corroborated by some articles of " suspicious property being found concealed near the house of deceased, and re- " moved from the house by the direction of the Prosecutrix. With this impres- " sion the Acting Joint Magistrate issued a proclamation for claimants of the pro- " perty. The Acting Joint Magistrate, Mr. Money, was not however satisfied with " the investigation of this first Darogah, and therefore on a person named Jug- " bundhoo, an inhabitant near the place, saying he could make a good enquiry, " appointed him Acting Darogah of the Thannah. He went, but could " bring forward nothing new of any importance except a petition or " two said to be found in the deceased's house, purporting to have been " written by the deceased to his landholder, and setting forth various " causes of enmity between him, and several others; on this the Acting Darogah " founded a story of enmity, and charged several persons, and some of the pri- " soners with the murder. Just when he sent in his report, another person, " named Mobaruk Ally, presented a petition to the Acting Joint Magistrate, that " if he were appointed, he could discover the truth. He was accordingly " appointed Acting Darogah, and deputed. He went, and although two Daro- " gahs, the Nazir, and the Acting Joint Magistrate had already been at the " spot, and used their best exertions, and notwithstanding two months had " elapsed since the murder, this officer had the good fortune and skill to dis- " cover one of the perpetrators of the deed who confessed every particular; and " on a happy question put to him by this Darogah, named two persons who could " attest his story: and he was further so fortunate and skilful, as to discover two " other persons, who declared they were eye witnesses of the deed, and just after " its perpetration, present where it was committed. He therefore sent up a very " satisfactory report and *particularly cautioned the Acting Joint Magistrate* " *against a number of persons who were conspiring to obstruct justice.* The parties " and witnesses were heard, and the prisoners all of whom were named by the con- " fessing prisoner, and against whom witnesses of one kind or another of facts corro- " borative, were discovered, sent and examined. Thus the case was committed."

" As was to be expected, the confessions and evidences were little worthy " of credit. The confession itself as made before the Darogah, and before the " Acting Joint Magistrate is so contradictory on important points, that it cannot " be a statement of truth. For instance, before the Darogah the prisoner " states that the prisoner No. 4, took the head from him, and threw it into the " khal or river. Before the Magistrate that a brother of the prisoner No. 8, took

" it from him, and threw it into the river, &c. As to the two persons, who were " eye witnesses, and whom the Darogah intended as witnesses, but whom the " Acting Joint Magistrate committed as accessories for concealing the fact, " their story is wholly incredible. They find on waking in the night that the " confessing prisoner, who slept with them, was missing; get up, and go to the " spot where they find several persons committing murder. Of this, they have " the temerity (these Bengalese are very courageous in *testimony*, if not *in deed*) " to accuse them, then quietly go back, and sleep, and for two months, not- " withstanding inquiry after inquiry is made, say not a word! Be it marked " that they are servants or laborers of the prisoner No. 8, as is the confessing " prisoner; the prisoner No. 8 knew they were acquainted with his and his " brothers' guilt; and yet let them remain during these two months at his house, " at liberty to condemn him whenever they pleased! But that is not sufficient. " He is made to go to the widow, the prosecutrix, and tell her not to recognize " the body when found, and he would remunerate her; and by way of rendering " the proof against him decisive he takes persons with him to witness this conduct, " and allows the widow to send for others, to be witnesses likewise! The two " persons brought to corroborate the confession have contradicted each other, " and told such improbabilities, that their testimony is indubitably false. Their " testimony is also contrary to the confession, for the prisoner No. 5 is not stated " in the confession, as carrying the body, to which both the witnesses have " sworn. Both say, that they passed close to the persons, carrying the body; " two of whom they recognized by their voices, the other two they could not: " yet they were able to distinguish that the fifth person carried something rolled " up in straw. One says that they were chased by the prisoners Nos. 5 and 6 the " length of a beegah, the other, that nobody chased them. The people who were " carrying the body had quitted the beaten track and were going the distance of " an arrow's flight from it. This was natural in them, but most unnatural in the " witnesses, who were travelling homeward in the middle of the night, and had " no reason for leaving the beaten path, to lose themselves in the dark. On the " whole, there can be no hesitation in pronouncing the confession, and testimony " for the prosecution, false and fabricated by the fortunate and skilful Darogah " Mobaruk Ally. It is worthy of notice that I tried a similarly false accusation of " murder against persons who reside contiguous to the prisoners, in November " last, and for which some of the accused in this case, were the principal " witnesses and reputed instigators, as those very persons accused of murder, are " now said to be in this case. The custom of deputing Darogah after Darogah " to investigate such cases for no special reason, on vague surmise, or on the " gratuitous, and of course disinterested offer of services from 'Hopefuls' is " much and severely to be deprecated. The fabrication of charges, extortion " and oppression of the inhabitants, the worse than useless employment of the " time of the Courts, and heavy expence to Government, are the sole fruits of " such a custom, if the Courts are properly officered; if not, to the above fruits " may be added the rendering the Courts of Justice, the instruments of revenge " and villany. In my opinion, the Acting Darogah, Mobaruk Ally, should be " declared and proclaimed unfit to serve Government in any capacity as a Police " officer, or officer in any Criminal or Civil Court.

"I did not consider it requisite to hear the evidence named for the defence "by the prisoners, as they adduced nothing which could be credibly proved, and "especially as the evidence for the prosecution was so palpably false. The Futwa "acquitted all the prisoners, and I fully concurred and ordered their release." This commitment was made by Mr. Money.

Case No. 4, Gungadhur Missir and others.

"I am sorry to observe that the preliminary investigation in this case was "very crude, and that the evidence against the prisoners was by no means suffi- "cient to warrant their committal, five witnesses were examined (or rather *heard* "for not a single cross question to elicit truth was put to any one of them) against "the prisoners No. 1, 2 and 3, and yet every one of them testified to a separate "matter of fact; and when asked if any other person was present at the time of "its occurrence, every one of them said, 'No; I alone was present.' Thus on "the trial (for this question to corroborate the single testimony, or prove its "falsity was never put in the Foujdarry Court) not a single occurrence was cap- "able of corroboration, or of legal proof. With respect to the prisoner No. 4, "only one witness testified directly against *him* and that in the Foujdarry; for "on being questioned on the trial, he denied that part of his evidence. Thus "there was not a particle of direct evidence against this prisoner, although no "less than seven witnesses have been heard for the prosecution. They have "all and every one taken care to testify to separate facts of which they were sole "witnesses, and thus could not be refuted. If even there was a prosecution "founded on weak evidence and that bore indelible marks of falsity, this is its "counterpart.

"The Acting Joint Magistrate of Hidgelee, should be cautioned not to com- "mit for such crimes, without well considering whether the testimonies of wit- "nesses is fully corroborated by each other, and the witnesses themselves of "respectable characters and creditworthy; for charges of this nature are easily "preferred and capable of proof on testimony only; which on account of the "utter disregard to truth in the natives, renders the utmost care in sifting it, a "bounden duty.

"It is in consequence of want of care in the investigation of such charges, "and I may add in even admitting them, for it is too much the custom to receive "and *act* upon anonymous petitions, even before the writer is ascertained and "sworn to the truth of his statement; that such charges are so frequently pre- "ferred, and so often groundless and malicious. The original charge of bribery, "out of which this case arose, was so vague, and so incredible, that it was not "worthy of a hearing, at least till after a close examination of the complainant, as "to the matter of fact, asserted; but this was not made and thus much time of "the Courts has been uselessly occupied, much expence by the Government "incurred, and much injustice perpetrated. The Futwa acquitted all the pri- "soners, and I agreed and ordered their release." This commitment was made by Mr. Gilmore.

604. No trials were called for at the English sittings.

605. Three Appeals were preferred from the orders of the Session Judges; the order in one was confirmed, and in two modified or reversed.

NIZAMUT ADAWLUT.

* Acquitted, ...	3
Convicted, ...	7
Under trial, ...	1
	11

606. No prisoners were under reference from Midnapore at the end of the year 1835; the number referred in 1836 was 11, and they were disposed of as noted in the margin.*

607. The following is an abstract of the sentences passed on the prisoners convicted in this District, including the Joint Magistracy of Hidgelee, during the year 1836:

By the Nizamut Adawlut.

Imprisonment for 7 years, ...	2
,, for 3 years, ...	4
,, for 1 year, ...	1
Total	7

By the Session Judge.

Above 7 and not exceeding 14 years, ...	7
Above 3 and not exceeding 7 years, ...	60
Above 1 and not exceeding 3 years, ...	4
Total	71

By the Joint Magistrate of Midnapore and his Assistants.

Six months and not exceeding 3 years, ...	90
Less than 6 months, ...	119
Fined, ...	405
Security required, ...	19
Total	633

By the Joint Magistrate of Hidgelee and his Assistants.

Six months and not exceeding 3 years, ...	15
Less than 6 months, ...	22
Fined, ...	161
Security required, ...	19
Total	217

GENERAL REMARKS.

608. The Statements for Midnapore were submitted by Mr. Ricketts, the Commissioner of the 19th Division, with a letter dated the 11th of March last, of which the following is a transcript: "In transmitting the annual statements for "1836, I beg with reference to the 5th paragraph of your circular, dated the 7th "October, to forward copies of my two last half yearly Police Reports to "Government, ending the 30th of June and 31st of December 1836." The Court observe, that in the 5th paragraph of the Circular Order quoted by Mr. Ricketts he was requested to accompany the annual statements, with a report on the state of the administration of criminal justice, within his Division, submitting any observations on the present system, and the efficiency or otherwise of the establishments, that he might consider worthy of being brought to the notice of the Court, or of the Government. Instead however of submitting any report on the state of the administration of Criminal Justice, which as Commissioner of the 19th Division it was his express duty to have done both under the orders of Government, dated the 8th March 1833, and the Court's Circular Order of the 6th of April 1833, No. 136; Mr. Ricketts has contented himself with forwarding to the Court a copy of his Half-yearly Police Reports to Government for the past year.

609. Mr. Ricketts must be well aware of the distinction between Police and Criminal Justice; the former comprizing the duty of preventing the commission of crimes and of apprehending the perpetrators; the latter of ascertaining the guilt, and prescribing the punishment of the delinquents. While his Police report therefore should contain all points of interest calculated to throw light on the state of crime within his Division, and the success or otherwise of the Magistrates to suppress it; his Criminal report should exhibit the number of persons brought to trial before each tribunal, the number of individuals convicted or acquitted, the length of time they have been under examination, the nature of the sentences passed, and the general manner in which Criminal Justice has been administered by the Magistrates, together with any other observations which might appear to him to be requisite or necessary.

610. The Court regret that they should be under the necessity of making observations of an unpleasant nature regarding the proceedings of an officer, held in such high estimation by the Government, as Mr. Ricketts; but as he has neglected a very essential and important part of his duty, for the last three years, (not having submitted with the Annual Statements any report on the state of the administration of Criminal Justice of the 19th Division for the year 1834, 1835 and 1836,) the Court would be wanting in their duty if they were to pass without noticing in terms of reprehension such irregular, and they must add, in the present instance, such disrespectful conduct.

611. Regarding the Districts of Midnapore and Hidgelee, the Documents now before the Court, lead them to apprehend that they are in a very inefficient state. In Midnapore the Court observe, that of 68 persons apprehended on

a charge of "murder" only seven individuals have been convicted and punished. The following two cases taken from the Monthly Jail Delivery Statements, shew that crimes of a serious nature are frequently concealed; Dacoity also appears to be most prevalent, and the Session Judge, Mr. Dick, observes, "that the pitch to "which these nightly depredations have arrived is past all belief, and the insecu-"rity of life and property disgraceful to any Government.

Case A No. 1, Rughoonath Doss and others.

"This Dakytee was not brought to the notice of the Magistrate until six "months after its occurrence, then an informer came to the Darogah of Midna-"pore and told him of it, the Darogah reported to the Acting Joint Magistrate, Mr. "Money, and was deputed forthwith to investigate into it. It occurred in the "neighbouring Thannah of Dynmarria. The prosecutor admitted the Dakytee, "and said he was so ill for some months after that he did not complain to the "police,—the evidence for the prosecution consisted of recognition of the prisoners "at the Dakytee by prosecutor and two persons who were in his house that night.

2nd. "Several articles, 3 or 4 brass utensils found in the houses "of prisoners, and claimed by Prosecutor, and of a kodalee left by the "Dakytes, and recognized by two persons as belonging to one of the pri-"soners. This evidence at first sight seemed satisfactory, but on the witnesses "being closely questioned, their testimony clearly appeared false. The mere "statement of persons of whatever number, on such points as recognition of "criminals, and articles of property which are to be found in every house, and "are of daily use, and not easily identified, but very easily sworn to, should "never be believed, without carefully questioning and weighing; especially "in a case like this which remained concealed for six months. The recognition "appeared unworthy of credit. 1st, Because the prosecutor and witnesses con-"tradicted each other, with respect to having told each other of it; and 2ndly, "Because had they really recognized the prisoners, they would never have held "their peace so long; they told it to nobody! The witnesses to the identifying "of the articles differed materially with the prosecutor, as to when and where "prosecutor obtained them, and prosecutor himself mistook one of the utensils "belonging to another case, which happened to be mixed up with his property "for his own, so true it is that if similar articles of these sorts could be placed "with them they would scarcely ever be identified. The utmost vigilance "therefore is indispensable, in such cases, though a man of veracity would hardly "ever attempt to identify in such instances. Those who generally appear in "these cases as witnesses, will at once on the most superficial inspection, roundly "swear to, and identify as many as may be required of them. As to the Kodalee "it is most extraordinary that two persons should after the Dakytee, one on the "very night just after its occurrence, have recognized it as belonging to one of "the prisoners, *who lives* only a *beegah* off, and yet never divulged this to any "body for six months. One indeed says he told it to the prosecutor, his master, "but he too kept silence! It is not to be believed that a man should know who "plundered and beat him, and yet hold his peace for six months; I believe often "people are plundered and hold their peace, but then they are wholly ignorant "of the depredators, and fear they will reap only pains and expence by reporting

"and have neither the satisfaction of causing the apprehension and punishment "of the offenders, nor the recovery of any of their property. Futwa acquit-"ted all the prisoners, and I concurred and ordered their release and property "to be given to them."

Case B. No. 2, Moteeram Moochee and others.

"This is a simple common case of Dakytee. The prosecutor and his wife "recognized among the Dakytes, the Mookeeah of their village, prisoner "No. 4, also the prisoners Nos. 2 and 3, and 5, and another principal ryot; and "the prosecutor threw a dart with which they spear fish, and wounded prisoner "No. 1, which led to his being apprehended. He then confessed that the "Mookeeah of the village prisoner No. 4, and a principal ryot whom I have "ordered to be committed, enticed him to the Dakytee, and he named the other "prisoners as being among the Depredators.

"It is further in proof that the Mookeeah prisoner No. 4 and the Sewaunu-"dur and Chokeedar of the village, prohibited the prosecutor from giving inti-"mation of the Dakytee to the Thaunah. These also I have ordered to be "committed as accessaries after the fact; for it is absolutely requisite, "that a stop be put to the system which has arisen since Regulation II. "of 1832, was enacted, I suppose from its being wholly misunderstood, "but especially from corporal punishment being abolished. Although the "number of Dakytees which are reported and tried are numerous enough, "and manifold more than formerly, still it is notorious that not one half "of those which actually occur, are reported to the Police. This origi-"nates from the system to which I have above alluded. The Mookeeah's "Chokeedars and Gomastahs of villages, are the instigators and leaders in these "depredations, and they prevent intimation reaching the police. The pitch to "which these nightly depredations have arrived, is past all belief, and the insecu-"rity of life and property disgraceful to any Government. To deter these heads "of villages from becoming heads of Dakytes, in consequence of the impunity "and profit attendant thereon, I consider it incumbent on me to make a striking "example, whenever I am fortunate enough to convict any of the wretches; and "I have therefore sentenced the Mookeeah prisoner No. 4 to fourteen (14) years "imprisonment."

612. The Court have much satisfaction in stating that the duties of the Sessions have been conducted in a very creditable manner by Mr. Dick; the only circumstance that the Court have had to notice with dissatisfaction has been the delay that has taken place in bringing some cases to trial before the Session Court, after the commitments were made by the Magistrate. The observations and remarks recorded on the Monthly Jail Delivery Statements and the letters of reference submitting the Criminal trials shew that Mr. Dick has paid very great attention to this essential part of his duty. Act VII. 1835 having been introduced into this District, the Court trust that under Mr. Dick's superintendence some improvement will ere long be visible in the state of the Criminal business of Midnapore and Hidgelee, and they rely on Mr. Dick's bringing to their immediate notice, any circumstances which may require the interference of the Court.

613. The principal Circular Orders issued during the past year with a view to simplify and expedite the administration of Criminal Justice were as follows:

January 15th. Communicating observations and directions for the preparation and submission of the Criminal Statements prescribed by Circular Order 12th December 1834.

February 5th. Directing that a memorandum stating the number of days he sat in Court, be entered in his Monthly Statements with a note of the number of days the Court was shut.

February 12th. Session Judges to prepare Statements No. 1 and 2 before they avail themselves of leave of absence or furnish a certificate of their inability to do so.

May 27th. Forwarding correspondence with Government defining the powers transferred from Commissioners to the Session Judges under Act VII. 1835.

July 22nd. Requesting that he will strictly conform to the Circular Order directing that every application for leave of absence shall be accompanied by a Statement of the business pending.

October 7th. Calling attention to the preparation of the Criminal Statements for 1836, and requesting that they may be submitted on or before the 1st February.

October 21st. Explanations are now required in Statement No. 11, whenever an Appeal may have remained undisposed of for a period of six months.

December 9th. Forwarding form of Statement (to be filled up) of the Criminal business actually pending on the 31st December 1836.

December 16th. Forwarding extract of their Resolution on the revision of the security of the Treasurers and other officers entrusted with public money for 1836.

December 23rd. Requesting that in submitting the Annual Criminal Statements for 1836, a memorandum (as per margin) be entered at the foot thereof.

December 30th. Requesting him to forward any forms of books which may be kept up for fines realized by the Nazir or other Officer of the Court.

CONCLUDING OBSERVATIONS.

614. The Court regret to say, that the general results of the past year, are by no means satisfactory, and a review of the present state of the Criminal business in the Lower Provinces, gives them a very unfavorable opinion of the working of the present system.

Patna.
Shahabad.
Sarun.
Behar.

615. In the 11th Division,* every one of the four Districts comprised therein (particularly Sarun and Behar) appear to the Court to be in very bad

order. In the 12th,* Tirhoot is in a very discreditable state. In the 13th,† the only District in good order is Rungpore, with the Joint Magistracy of Bugoora. The Court consider the Magistrate of Rungpore, Mr. James, entitled to the favorable consideration of Government for the zeal and assiduity he has exhibited in the discharge of his duties. Messrs. Taylor and Yule, the Joint Magistrates of Bugoora, have also evidently exerted themselves to maintain an efficient state of things in this jurisdiction.

* Bhaugulpore. Monghyr. Purnea. Tirhoot.
† Dinagepore. Maldah. Rungpore. Bugoora. Rajshahye. Pubna.

616. In the 14th Division,* nearly every District is in bad order; particularly Burdwan and Moorshedabad: the Joint Magistracy of Bancoora forms the only exception, and Mr. Elliott is therefore entitled to considerable praise for his success. In the 15th Division,† the Court have however much satisfaction in stating, that every District, with the exception of Mymensing, appears to be in tolerable good order; a circumstance that must be considered creditable to the Magistrates, Messrs. Scott, Martin, and Mytton. It would have been very satisfactory to the Court, to have been made acquainted with the particular systems that may have been followed in these Districts, leading to such favorable results; but they regret to say, that no report on the state of the administration of Criminal Justice, has been submitted by the Commissioner of this Division for the last two years.

* Moorshedabad. Beerbhoom. Hooghly. Burdwan. Bancoora.
† Dacca. Furreedpore. Mymensing. Sylhet.

617. In the 16th Division,* the Districts are all in very bad order. In the 18th,† Nuddea is in a bad state, and Jessore and Backergunge require much looking after. The 24-Pergunnahs and Baraset are, the Court are glad to observe, apparently in excellent order. Mr. Patton, the Magistrate of the 24-Pergunnahs, is a very experienced and attentive Officer, and Mr. Battye appears to have conducted his duties at Baraset in a a very efficient manner.

* Tippera. Noacolly. Chittagong.
† Nuddea. Jessore. Backergunge. 24-Pergunnahs. Baraset.

618. In the 19th Division,* Midnapore and Hidgelee are in very bad order indeed. In the province of Cuttack, burglaries and thefts are exceedingly prevalent, but otherwise the returns lead the Court to believe that the state of Criminal Justice in that province is by no means inefficient; as before observed however, the Court have received no report on the state of the administration of Criminal Justice for this province, for the last three years.

* Midnapore. Hidgelee. Cuttack. Pooree. Balasore.

619. The Court deem it their duty again to submit for the consideration of the Right Honorable the Governor of Bengal, the necessity of separating the offices of Magistrate and Collector throughout the Lower Provinces, with as little delay as may be practicable. They have also to suggest that the remaining Criminal duties now confided to the Commissioners of Circuit may be transferred entirely to the Session Judges; and, further that a Superintendent of Police be appointed for the Lower Provinces.

620. The Court are also of opinion, that until the state of Criminal Justice in the Bengal Provinces shall exhibit a considerable improvement, a brief half yearly report on the state of each District should be submitted by the Session Judge, and forwarded as received; with the remarks of the Court thereon, for the informaiton of Government. An arrangement of this nature will evince to the local authorities, that their conduct and proceedings will be brought without delay to

the notice of Government and the Court trust that this measure, together with the alteration of the system, that they have had the honor to recommend, and the general re-organization of the police, contemplated in your Circular Letter of the 27th of September last, will lead, at no distant period of time, to some marked improvement in the general state of the country.

621. The Court deem it also proper to bring to His Lordship's notice, the necessity that exists of devising some plan by which the constant changes that now take place of the European Officers in charge of a District, may be avoided. In some of the Districts under the superintendence of the Court it appears, that two three, four, five and even six Magistrates have been in charge in the course of twelve months. Nothing in the judgment of the Court, can be more detrimental to the interests of a District, than these constant and vexatious changes, tending as they must do, to a general laxity of system, and to all the evil consequences arising therefrom. From a Statement now before the Court it appears that Officers are officiating as Magistrates or Joint Magistrates in the several Districts noted in the margin.* The Districts in which there are Officiating Session Judges, are by no means so numerous, they are however exhibited in the margin† for His Lordship's information. It must at once be evident to His Lordship, that Officers placed in charge of a District for a few months, cannot attempt to carry into effect any extensive improvements in the Police or Criminal Justice; and until therefore this system of changing Magistrates from one District to another is checked, it will be altogether useless to expect any connected plan of improvement from them.

* Patna.
Behar.
Bhaugulpore.
Purnea
5 Dinagepore.
Maldah.
Rungpore.
Bugoora.
Rajshahye.
10 Pubna.
Beerbhoom.
Hooghly
Burdwan
Furreedpore.
15 Mymensing.
Tippera.
Nuddea.
Jessore.
Backergunge.
20 Balasore.

† Sarun.
Bhaugulpore.
Sylhet.
Tippera.
24-Pergunnahs.
Cuttack.

622. With reference to the remarks contained in the 3rd, 4th, 5th and 6th paragraphs of your dispatch No. 455 of the 28th February last, I am directed by the Court to state, that the standard of acquittals and convictions laid down by them, in submitting the Criminal Report for 1835, was fixed, on a consideration of the returns for the years 1833, 1834 and 1835, and which it will be observed from the following Tabular Statement, corresponds almost exactly with the standard fixed by the Court as satisfactory for the year 1835:

Year.	*Acquitted.*	*Convicted.*	*Committed.*	*Total of Convicted or Committed.*
1833	33,036	27,416	3,372	30,789
1834	29,232	27,404	3,303	30,707
1835	30,868	28,796	3,338	32,134
Total,	93,136	0	0	93,630

623. In fixing this standard, the judgment of the Court was also somewhat guided, by a return of the Criminal Statements, for the London Metropolis for the year 1835, which the Court had an opportunity of seeing; the general result of which corresponded in a very extraordinary manner, with the Criminal Returns for the Lower Provinces, as will be observed by the following Statements:

Year.	*Acquitted.*	*Convicted.*	*Committed.*	*Total Convicted or Committed.*
1835	32,544	27,817	3,113	30,930

624. The Court have directed me to state, that they are still of opinion, that when the convictions, including the commitments, exceed one-half of the number of persons acquitted in "Heinous Offences," the Returns (provided the result of the commitments is generally favorable) may be considered as "satisfactory." With regard to "Petty Offences," considering that a large portion of the persons convicted, consist of Police Officers, Chokeedars, and others, punished for "neglect of duty," "disobedience of orders," and "contempt of Court," and are sentenced to a very small fine; the Court are of opinion, that the standard fixed in the Report for 1835 might be somewhat raised; and when the superintendence of the Magistrates is highly efficient, the proportion might be fixed at two convictions to one acquittal. The annexed tabular Statement, as noted in the margin,* shews the general results of the year 1836.

1	2	3	4	5	6
* *Year.*	*Under Trial.*	*Acquitted.*	*Convicted.*	*Committed.*	*Total Convicted and Committed.*
1836	65,213	28,204	31,318	3,310	34,628

625. I am directed to observe, that local circumstances may occasionally arise, causing the acquittals considerably to exceed the convictions, and some Magistrates may undoubtedly be able from very great care and vigilance, to raise the convictions to a higher standard than that which has been fixed by the Court; but the remarks contained in your letter now under reply, as far as regards Mr. Dunbar and Mr. Money, are, the Court apprehend, founded on very erroneous data.

626. I am directed by the Court to request the attention of the Right Hon'ble the Governor, to the observations recorded on the Districts of Bhaugulpore and Beerbhoom, for more detailed explanations of the circumstances that have occasioned the convictions so greatly to predominate over the acquittals in those two Zillahs. In Bhaugulpore, the Court regret to state, that no dependence can be placed on the Statements, as a considerable number of persons appears to have been convicted by Mr. Dunbar and fined a few annas "not as a "penalty due to crime, but merely as a caution for the future." In Beerbhoom again, a system appears to have existed for some time past, of permitting the Police Darogahs to send in the Gomashtehs, Mundels and other inhabitants of the villages, who had neglected to go the rounds at night, and the persons thus convicted were fined from one rupee to four annas for their offence. The Right Hon'ble the Governor will observe, that of 1,528 persons convicted during the

past year in Beerbhoom District, no less than 835 were convicted and punished as stated above, for "neglect of duty."

627. Regarding the District of Dacca under Mr. Scott's Magistracy, the Court have not been able to discover the cause of the large number of convictions; though if the matter was thoroughly investigated by some good practical officer, their experience leads them to think that some equally striking cause could be assigned for the disproportion. It may however arise, from the City of Dacca being a compact jurisdiction, with numerous Police Thannahs; thus enabling the Magistrate to superintend his District with greater vigilance. Be this as it may, the circumstance is certainly creditable to Mr. Scott.

628. The Court however are perfectly satisfied, that unless under very particular circumstances, the standard now fixed by them may be considered as a fair average; and as observed in the remarks recorded by them on the Annual Criminal Statements for Cuttack, they "must deprecate any remarks on the part of "the superior authorities, that may lead the Magistrate to feel that he has a direct "stake in the guilt or innocence of a prisoner, from the moment he is appre-"hended; or to let him suppose that, by the acquittal of the delinquent, his dis-"crimination, his judgment, and the propriety of his conduct, would be impugned "by this Court, or by the Government. Such a feeling, if once introduced into "the Magistracy, would lead, in the judgment of the Court, to the most serious "consequences, and would inevitably produce all those errors that must ensue "from acting on a continuous and accelerated impulse."

629. In exemplification of the justice of these remarks, the Court have only to refer the Right Hon'ble the Governor of Bengal to Mr. Dunbar's proceedings in Bhaugulpore; proceedings that have led the Government to form very erroneous conclusions in regard to the result of that officer's official exertions.

630. In reply to the 9th paragraph of your letter, I am directed to state, that the Session Judges might be directed to send to the Superintendent of Police, official copies of any abstracts of trials that they may consider likely to exhibit the state of the Police in their Districts. The plan of forwarding rough drafts to be returned to the office of the Session Judge, the Court cannot consider as a good practical measure: if it is deemed necessary to furnish the Superintendent of Police with copies of these documents at all, they should be duly made and authenticated, and considered as regular office copies.

I have the honor to be,

Sir,

Your obedient humble Servant,

R. MACAN, *Offg. Register.*

Fort William, the 9th June, 1837.

No. 52.

To J. F. M. REID, Esq.,

Register of the Court of Nizamut Adawlut,

FORT WILLIAM.

SIR,

In reply to your letter dated 11th ultimo, No. 2715, enclosing an extract from the proceedings of the Nizamut Adawlut of the same date on the Monthly Criminal Statements of this Zillah, Nos. 1 to 8 for the month of September last; I have the honor to forward a Statement furnished by the Officiating Magistrate shewing the nature of the neglect and giving an abstract of the sentences passed on 182 persons stated in No. 2 of detail of Miscellaneous Crimes to have been punished for "neglect of duty."

Accompanying this however I forward an abstract Statement with my remarks which appears to contain all that is required. It will be observed that the fines and imprisonments are very trifling but there are two points which appear to require explanation.

Out of 182 punished 50 are Police Servants leaving 132 men. Of these 23 are tekooras or bad suspicious characters, leaving 109 men, these are composed of villagers, Omlah and husbandmen, or laborers, &c., and both the tekooras and these have been punished agreeably to a custom that has prevailed for some years in this Zillah.

It appears from enquiry into the records of the Magistrate's Office, that in 1833 two proceedings were drawn out by the Magistrate for the purpose of checking crimes, which proceedings although not at the time, still after a longing correspondence upon the subject were forwarded to the Commissioner in 1834 agreeably to the Circular Order of the Sudder Court, 16th August 1822, No. 264, volume 1st, new edition: to these no answer has been given and they have ever since been acted upon. The purport of the orders were that all suspicious characters should sleep in the Zemindarry Cutcherry or other building appropriated for them and that the villagers should join the watchman in going the rounds at night on pain of fine or imprisonment.

The following extract from the late Officiating Magistrate will shew the result of these orders and will fully account for the number of persons slightly punished for the infringement of the rules laid down: "The Court "of Nizamut Adawlut are doubtless fully aware that this District has been "at different times infested by gangs of Dakoits who have carried their nocturnal "depredations to an alarming extent. I am happy to have it in my power to say "that the crime of gang robbery has diminished during the last two years as the "Court will observe by the accompanying Statements. The prompt and energetic

" measures introduced and adopted by Mr. J. H. Patton in February 1833, " soon after he was appointed to this District, tended to check these outrages on " the peace of society, and destroy the combination which existed between per- " sons of notorious character as well as those who though not reported to be " thieves, yet from their low rank in life, and general habits, would not hesitate " to yield to any temptation to commit crime. It is true that formerly persons of " bad character were kept under strict surveillance and the village watchmen " were constantly punished for neglect of duty, but the plan instituted by Mr. " Patton went further; it entailed a greater responsibility upon the Zemindars, " and Farmers, their Gomashtahs, and subordinate Agents, inasmuch as they " were required to make all the bad characters in every village sleep in the Zemin- " darry Cutcherry at night, and if any were absent due notice was to be given to " the Police for the information of the Magistrate. The villagers in their " own village were also obliged to watch in concert with the village watchmen " and afford every requisite assistance and report any neglect on the part of the " watchmen, who would in like manner mention any misconduct of the villagers, " so that each party have a manifest interest in controlling the conduct of the " other. From experience I am able to say that this arrangement has been and is " still attended with the most satisfactory results."

As directed by the Court I proceed to give my opinion upon these orders; nevertheless, as all the papers connected with the subject are in the Office of the Superintendent of Police to whom they were referred as above stated in 1834, and as that Officer still continues to exercise those powers, I should suggest that he be called upon to report upon the expediency of continuing the present system in this District when he visits Beerbhoom on his six-monthly tour.

I am decidedly of opinion that the order regarding the tekooras has been the cause in a great measure of suppressing Gang Robbery and Theft which were so prevalent formerly in the wild and jungly parts of the district, and if such characters were now allowed to be at large, I have no doubt but that the peace of the villages would be again disturbed.

I am not however satisfied as to the justice of the order regarding the obligation to villagers of making the nightly rounds, although there can be no disputing that the effect was immediate and lasting, in I might almost say putting an end to Gang Robbery—it must however be liable to great abuse, and although I do not discover any case of hardship in the sentences of the men now under report, still I do not see how the system can be upheld unless a special case of necessity in this district be made out: from the fact however of the latter system having been brought to the notice of the Commissioner in 1834 and never since having been prohibited, I conclude that this severe measure has been considered necessary hitherto in Beerbhoom.

I have, &c.

(Signed) J. H. D'OYLY, *Session Judge.*

ZILLAH BEERBHOOM,
Session Judge's Court, the 24th December, 1836.

To J. LOWIS, Esq.,

Commissioner of Circuit for the 14th Division.

SIR,

Nizamut Adawlut.
PRESENT.
R. H. Rattray, W. Braddon, *Judges*, and D. C. Smyth, *Temply Judge*, Esqrs.

I am directed to forward the accompanying copy of the Court's resolution of the 11th November last, on the Monthly Criminal Statements of the Magistrate of Beerbhoom for September last, and of a letter on the subject thereof from the Session Judge of the District, dated the 24th December 1836, No. 52 and its enclosures, and to request that you will state, whether you consider the practices of compelling the villagers to watch in rotation in company with the Chowkeedars, and of making all persons of bad character sleep every night in the Zumeendary Cutchery, to be indispensably necessary for the maintenance of good order, and the keeping down of Dacoity in the District of Beerbhoom.

I am, &c.

(Signed) J. F. M. REID, *Register.*

Fort William, the 27th January, 1837.

(True Copies,)

R. MACAN, *Offg. Register.*

ABSTRACT.

1. Submitting the Annual Statements connected with the administration of Criminal Justice for the Lower Provinces for 1836.

2. Observing that the Report has been prepared in the manner suggested in his letter of the 2d August last, and in conformity to the plan of the Civil Reports for 1835.

3. Shewing the necessity of re-establishing an efficient system of Police and Criminal Justice.

4. Noticing in detail the operations of the past year.

5 to 13. Stating the number of days the Court was open, how many days the Judges attended, the number of Criminal trials pending, called for and disposed of during the year, and other particulars.

14 to 38. Shewing the Commissioners who transacted business in the several Divisions, and the dates on which Act VII. 1835 was extended to the Districts under them.

39 to 61. Resolution on the Annual Criminal Report for Behar.

62 to 78.	Patna.
79 to 100.	Sarun.
101 to 118.	Shahabad.
119 to 149.	Bhaugulpore.
150 to 168.	Purnea.
169 to 187.	Tirhoot.
188 to 211.	Dinagepore.
212 to 236.	Rajeshaye.
237 to 260.	Rungpore.
261 to 279.	Beerbhoom.
280 to 300.	Moorshedabad.
301 to 334.	Burdwan.
335 to 351.	Hooghly.
352 to 379.	Dacca.
380 to 399.	Mymensing.
400 to 414.	Sylhet.
415 to 434.	Chittagong.
435 to 454.	Tipperah.
455 to 469.	Noakolly.
470 to 486.	Jessore.
487 to 505.	Backergunge.
506 to 521.	Nuddea.
522 to 546.	24-Pergunnahs.
547 to 584.	Cuttack.
585 to 612.	Midnapore.

613. Submitting list of Circular Orders issued during the past year with a view to simplify and expedite the administration of Criminal Justice.

614. Stating that in the opinion of the Court the results of the past year are by no means satisfactory and the state of Criminal business gives the Court a very favorable opinion of the working of the present system.

615 to 618. Remarks on the state of the several Districts and observations on the conduct of certain officers.

619. Suggesting the necessity of separating, throughout the Lower Provinces, the Magisterial and Fiscal offices, and of transferring the Criminal duties now confided to the Commissioners of Circuit entirely to the Session Judges.

620. Stating the opinion of the Court that a Half Yearly Report should be submitted by the Session Judges until a decided improvement takes place in the state of Criminal Justice.

621. Bringing to notice the necessity which exists of devising some plan by which the constant changes that now occur of the European Officers in charge may be obviated.

622 to 627. Stating that the standard of acquittals to convictions laid down by the Court in submitting the last Report was fixed on a consideration of former returns.

628. The Court deprecate remarks on the part of the superior authorities that may lead a Magistrate to feel, that he has a direct stake in the guilt or innocence of a prisoner from the moment he is apprehended.

629. Referring to the proceedings of Mr. Dunbar, which led the Government to form very erroneous conclusions in regard to the result of that officer's official exertions.

630. Suggesting that Session Judges might be requested to send to the Superintendent of Police any abstracts of trials that may exhibit the state of the Police in their Districts.

R. MACAN, *Offg. Register.*

LIST MARKED A.

1. No. 1. Abstract Statement, shewing the number of persons under trial, acquitted and convicted in the year 1836, before the Sudder Ameens, Assistants, Joint Magistrates and Magistrates in the Lower Provinces, and the number committed to take their trial at the Sessions, giving the following general result:

Under trial during the year, ...		65,213
Acquitted, ...	28,204	
Convicted, ...	31,318	
Committed, ...	3,310	
Casualties, &c.	*200	
Under trial, Jail, ...	700	
„ Bail, ...	1,481	65,213

2. No. 12. Abstract Statement shewing the number of persons brought to trial, acquitted and convicted in the year 1836, by the Session Judges and Commissioners of Circuit in the Lower Provinces, and the number whose cases were referred to the Nizamut Adawlut, giving the following general result:

Under trial during the year, ...		3,791
Acquitted, ...	782	
Convicted, ...	2,017	
Referred, ...	567	
Casualties, &c.	39	
Under trial, ...	386	3,791

3. No. 14. Abstract Statement shewing the number of persons whose cases were referred to the Nizamut Adawlut during the year 1836, and the manner in which they have been disposed of, giving the following general result:

Under trial during the year, ...		641
Acquitted, ...	132	
Convicted, ...	317	
Returned to the Session Judges, ...	46	
Casualties, ...	3	
Under trial, ...	143*	641

* 83 Prisoners in one trial from Cuttack charged with rebellion.

4. No. 1. Statement No. 1 for the following Districts:

Behar.	Rungpore.	Noacolly.
City Patna.	Bogoorah.	Tipperah.
Sarun.	Beerbhoom.	Jessore.
Shahabad.	City Moorshedabad.	Backergunge.
Bhaugulpore.	Burdwan.	Nuddea.
Monghyr.	Bancoora.	24-Pergunnahs.
Purnea.	Hooghly.	Baraset.
Tirhoot.	Dacca.	Cuttack.
Dinagepore.	Furreedpore.	Sn. Division Cuttack.
Maldah.	Mymensing.	Balasore.
Rajeshaye.	Sylhet.	Midnapore.
Pubna.	Chittagong.	Hidgelee.

5. No. 12. Statement No. 12 for the following Districts:

Behar.	Rungpore.	Noacolly.
City Patna.	Bogoorah.	Tipperah.
Sarun.	Beerbhoom.	Jessore.
Shahabad.	City Moorshedabad.	Backergunge.
Bhaugulpore.	Burdwan.	Nuddea.
Monghyr.	Bancoora.	24-Pergunnahs.
Purnea.	Hooghly.	Baraset.
Tirhoot.	Dacca.	Cuttack.
Dinagepore.	Furreedpore.	Sn. Division Cuttack.
Maldah.	Mymensing.	Balasore.
Rajeshaye.	Sylhet.	Midnapore.
Pubna.	Chittagong.	Hidgelee.

6. No. 14. Statement No. 14 for the following Districts:

Behar.	Rungpore.	Noacolly.
City Patna.	Bogoorah.	Tipperah.
Sarun.	Beerbhoom.	Jessore.
Shahabad.	City Moorshedabad.	Backergunge.
Bhaugulpore.	Burdwan.	Nuddea.
Monghyr.	Bancoora.	24-Pergunnahs.
Purnea.	Hooghly.	Baraset.
Tirhoot.	Dacca.	Cuttack.
Dinagepore.	Furreedpore.	Sn. Division Cuttack.
Maldah.	Mymensing.	Balasore.
Rajeshaye.	Sylhet.	Midnapore.
Pubna.	Chittagong.	Hidgelee.

7. General Abstract of the Statements Nos. 1, 12 and 14 prepared in the Register's Office.

8. Statement No. 13 shewing the number of Appeals preferred to the Nizamut Adawlut from sentences passed by the Commissioner of Circuit and Session Judges in Criminal Trials, and from orders passed by the Commissioner in cases of a Miscellaneous nature during the year 1836, with the orders passed thereon, together with an abstract statement of Criminal Trials decided and disposed of during the same year.

9. Statement No. 11 for the same Districts, shewing the number of Appeals preferred to Commissioners from the orders of the Magistrate and Joint Magistrate in Criminal Trials, and in cases of a Miscellaneous nature during the year 1836.

10. Statement No. 15 for the same Districts giving an abstract calendar of persons convicted and acquitted by the Magistrates, Joint Magistrates, &c. during the year 1836.

11. Statement No. 17 for the same District shewing the prisoners that were confined in the Jails of the Divisions during the year 1836.

R. MACAN, *Offg. Register.*

No. 1.

STATEMENT of Crimes committed in the several Zillahs in 1836 and of the number of persons under Trial, acquitted and convicted before the Assistants, Principal Sudder Ameens and before the Magistrates and Joint Magistrates, and the number committed to take their Trial at the Sessions.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
	DESCRIPTION OF CRIMES.	Number of Crimes ascertained to have been committed during the year.	Number of persons under examination on the 1st January 1836.		Number apprehended during the year, or attending on Summons.	Total under Trial.	Before the Assistant and Sudder Ameen and P. S. A.		Before the Magistrates and Joint Magistrates.			Under Trial on the 31st December 1836.	
			In Jail.	On Bail.			Acquitted & discharged.	Convicted & sentenced.	Acquitted & discharged.	Convicted & sentenced.	Committed to the Sessions.	In Jail.	On Bail.
1	Murder, By Thugs,	2	15	1	56	72	0	0	65	0	7	0	0
2	Murder, On the River,	0	0	0	0	0	0	0	0	0	0	0	0
3	Murder, Other cases,	230	64	22	799	885	0	0	389	3	418	57	11
4	Homicide not amounting to Murder,	204	21	21	500	542	3	0	323	1	176	26	12
5	Dacoity, With Murder,	14	12	0	335	347	2	0	185	0	124	36	0
6	Dacoity, Torture,	10	0	0	124	124	0	0	58	0	61	5	0
7	Dacoity, Wounding or personal injury,	31	44	0	386	430	0	0	202	1	212	13	0
8	Dacoity, Unattended with aggravating circumstances,	138	152	6	1,225	1,383	16	0	821	12	413	92	25
9	Dacoity, Attempts to commit,	11	0	0	29	29	0	0	25	0	0	4	0
10	River Dacoity, With Murder,	0	0	0	0	0	0	0	0	0	0	0	0
11	River Dacoity, Wounding or personal injury,	0	20	0	1	21	0	0	1	0	20	0	0
12	River Dacoity, Unattended with aggravating circumstances,	4	1	3	46	50	0	0	30	0	9	11	0
13	River Dacoity, Attempts to commit,	0	0	0	0	0	0	0	0	0	0	0	0
14	Highway Robbery, With Murder,	2	0	0	12	12	0	0	7	4	0	0	0
15	Highway Robbery, Wounding or personal injury,	18	5	0	46	51	1	0	21	0	23	6	0
16	Highway Robbery, Unattended with aggravating circumstances,	36	23	5	98	126	0	0	70	0	50	6	0
17	Burglary, With Murder,	2	0	0	6	6	0	0	1	1	4	0	0
18	Burglary, Wounding or personal injury,	9	4	0	28	32	0	0	19	4	9	0	0
19	Burglary, Unattended with aggravating circumstances,	5,082	76	20	2,543	2,639	53	18	1,155	1,100	259	45	3
20	Burglary, Attempts to commit,	1,105	2	19	76	97	0	0	39	58	0	0	0
21	Thefts, including Cattle-stealing, With Murder, including of children,	4	2	1	4	7	0	0	1	0	4	0	2
22	Thefts, including Cattle-stealing, Wounding or personal injury,	136	0	0	233	233	2	5	65	131	30	0	0
23	Thefts, including Cattle-stealing, Unattended with aggravating circumstances,	6,892	118	119	6,168	6,405	476	624	2,378	2,733	71	73	32
24	Receiving stolen or plundered property,	134	9	6	356	401	12	7	95	192	91	3	1
25	Child stealing, For the purpose of selling in slavery,	7	10	9	16	35	0	0	23	2	10	0	0
26	Child stealing, For the sake of ornaments,	1	0	0	3	3	0	0	1	2	0	0	0
27	Illegal purchase or sale of slaves,	13	0	0	32	32	0	0	9	21	0	2	0
28	Affray, With Homicide,	28	28	23	657	708	0	0	258	30	300	106	13
29	Affray, Violent breach of the Peace,	190	19	150	1,679	1,848	134	113	650	671	136	28	115
30	Assaults with wounding or personal injury,	386	20	175	1,429	1,624	78	63	633	636	145	18	49
31	Arson,	85	1	8	259	268	5	0	179	14	61	5	3
32	Forgery or uttering forged deeds,	38	1	5	79	85	0	0	36	1	34	5	9
33	Suttee, aiding and abetting,	7	0	0	34	34	0	0	18	1	8	6	0
34	All miscellaneous crimes and offences not included in the above,	24,057	227	2,631	43,826	46,684	6,515	7,711	13,186	17,165	638	154	1,207
	Total,	39,176	874	3,224	61,115	65,213	7,297	8,541	20,943	22,783	3,313	701	1,482
								Add	7,297	8,541			
									28,240	31,324	0	0	0
								Deduct tried, ...	36	6	3	1	1
									28,204	31,318	3,310	700	1,481
												2,181	

REMARKS.

Under Trial.

Males, ...	63,724
Females, ...	1,489
Total, ...	65,213

Convicted and Sentenced.	By Assistant and Sudder Ameen.	By Magistrate and Joint Magistrate.
Imprisonment for 3 years,	2	408
Imprisonment for 2 years,	2	731
1 year and upwards,	8	1,307
6 months & upwards,	120	2,161
Less than 6 months,	2,225	7,240
Fined and discharged, &c.	6,171	9,211
Required to furnish security,	3	1,309
Flogged and discharged,	13	45
Dismissal from the duty,	4	352
Reprimanded,	1	7
Total,	8,549	22,771*

Acquitted and discharged on Moochulka,	3,723	28,204
Without Moochulka,	24,481	
Convicted and punished,		31,318
Committed to the Sessions,		3,310
Died in Jail,	119	137
Escaped,	18	
Transferred to other Zillahs,		63
Remaining under trial,		2,181
Total under trial, ...		65,213

	Rs.	A.	P.
Amount of fines imposed under Regulation II. of 1834,	87,787	8	0
Amount realized,	16,540	13	0

* Vide Statement No. 1 for Southern Division Cuttack, which explains the difference of these two prisoners.

Died and Escaped,	90
Transferred to other Zillahs,	63
	153

R. MACAN, *Offg. Register.*

No. 12.

STATEMENT shewing the number of persons brought to Trial, Acquitted and Convicted in the several Zillahs by the Commissioners of Circuit and Session Judges in 1836, and the number of persons whose cases were referred to the Nizamut Adawlut.

1	2	3	4	5	6	7	8	9	10
	DESCRIPTION OF CRIMES.	Number of persons in cases postponed or under Trial on 1st January, 1836.	Committed during the year 1836.	Received back after reference to the Nizamut Adawlut.	Total under Trial.	Acquitted and Discharged.	Convicted and Sentenced.	Referred to the Nizamut Adawlut.	Under Trial on the 31st December, 1836.
1	Murder, By Thugs,	17	14	0	31	0	0	30	1
2	Murder, On the river,	0	0	0	0	0	0	0	0
3	Murder, Other cases,	18	407	12	437	92	109	170	62
4	Homicide, not amounting to murder,	3	136	1	140	26	82	10	22
5	Dacoitee, With murder,	1	108	0	109	39	0	58	12
6	Dacoitee, ,, torture,	4	52	0	56	13	43	0	0
7	Dacoitee, ,, wounding or personal injury,	35	216	0	251	55	120	41	33
8	Dacoitee, Unattended with aggravating circumstances,	235	461	0	696	139	478	7	63
9	Dacoitee, Attempts to commit,	0	0	0	0	0	0	0	0
10	River Dacoitee, With murder,	0	8	0	8	0	0	8	0
11	River Dacoitee, ,, wounding or personal injury,	13	20	0	33	15	18	0	0
12	River Dacoitee, Unattended with aggravating circumstances,	8	9	0	17	6	9	0	1
13	River Dacoitee, Attempts to commit,	0	0	0	0	0	0	0	0
14	Highway Robbery, With murder,	0	1	0	1	0	0	1	0
15	Highway Robbery, ,, wounding,	0	23	0	23	3	14	4	2
16	Highway Robbery, Unattended with aggravating circumstances,	2	48	0	50	28	21	0	1
17	Burglary, With murder,	0	4	0	4	3	1	0	0
18	Burglary, ,, wounding or personal injury,	0	10	0	10	3	7	0	0
19	Burglary, Unattended with aggravating circumstances,	20	246	0	266	21	206	8	28
20	Burglary, Attempts to commit,	0	0	0	0	0	0	0	0
21	Thefts, including Cattle-stealing, With murder, including of children,	4	6	0	10	4	1	5	0
22	Thefts, including Cattle-stealing, ,, wounding or personal injury,	2	29	0	31	3	20	5	3
23	Thefts, including Cattle-stealing, Unattended with aggravating circumstances,	13	74	0	87	21	56	5	3
24	Receiving stolen or plundered property,	24	94	0	118	43	52	5	13
25	Child stealing, For the purpose of selling into slavery,	0	10	0	10	0	10	0	0
26	Child stealing, For the sake of ornaments,	0	0	0	0	0	0	0	0
27	Illegal purchase or sale of slaves,	0	0	0	0	0	0	0	0
28	Affrays, With homicide,	17	328	0	345	77	178	39	51
29	Affrays, Violent breach of the peace,	1	177	0	178	25	109	6	37
30	Assaults with wounding or personal injury,	7	145	0	152	25	71	40	13
31	Arson,	0	52	0	52	9	40	0	3
32	Forgery or uttering forged deeds,	4	28	1	33	9	19	3	2
33	Counterfeiting the coin,	0	0	0	0	0	0	0	0
34	Suttee, aiding and abetting,	0	8	0	8	0	8	0	0
35	All miscellaneous crimes and offences not included in the above,	28	601	6	635	123	345	122	36
	Total,	456	3,315	20	3,791	782	2,017	567	386

REMARKS.

Under Trial.

Males,	3,659
Females,	132
Total,	3,791

Convicted and Sentenced—

To imprisonment for 16 years,	2
15 ,,	0
14 ,,	117
13 ,,	0
12 ,,	21
11 ,,	1
10 ,,	86
9 ,,	25
8 ,,	38
7 ,,	252
6 ,,	56
5 ,,	433
4 ,,	171
3 ,,	318
2½ ,,	2
2 ,,	238
1½ ,,	8
1 ,,	145
Less than 1 ,,	94
Fined and discharged,	10
Total convicted and punished,	2,017
Total acquitted and discharged,	782
Referred to the Nizamut Adawlut,	567
Died in Jail,	22
Escaped after commitment,	2
Annulled,	15
Remaining for trial,	386
Total under trial,	3,791

Died and escaped,	24
Commitment cancelled and annulled,	15
	39

R. MACAN, *Offg. Register.*

No. 14.

STATEMENT shewing the number of persons whose cases were referred to the Nizamut Adawlut by the Commissioner of Circuit and Session Judge, for the several Zillahs in the Lower Provinces during the year 1836, and the manner in which they were disposed of.

1	2	3	4	5	6	7	8	9	10
	DESCRIPTION OF CRIMES.	Number of persons in cases postponed or pending on the 1st January 1836.	Specially referred.	Not specially referred.	Total under Trial.	Acquitted and Discharged.	Convicted and Sentenced.	Returned after reference to the Nizamut Adawlut.	Under Trial on the 1st January 1837.
1	Murder, ... By Thugs, ...	0	24	0	24	3	21	0	0
2	Murder, ... On the River, ...	0	0	0	0	0	0	0	0
3	Murder, ... Other cases, ...	25	180	0	205	23	150	7	25
4	Homicide not amounting to Murder, ...	0	4	0	4	0	4	0	0
5	Dacoitee, ... With Murder, ...	6	59	0	65	9	28	0	26
6	Dacoitee, ... „ Torture, ...	0	0	0	0	0	0	0	0
7	Dacoitee, ... „ Wounding or personal injury, ...	2	56	0	58	41	15	2	0
8	Dacoitee, ... Unattended with aggravating circumstances, ...	0	7	0	7	7	0	0	0
9	Dacoitee, ... Attempts to commit, ...	0	0	0	0	0	0	0	0
10	River Dacoitee, With Murder, ...	0	0	0	0	0	0	0	0
11	River Dacoitee, „ Wounding or personal injury, ...	0	0	0	0	0	0	0	0
12	River Dacoitee, Unattended with aggravating circumstances, ...	0	0	0	0	0	0	0	0
13	River Dacoitee, Attempts to commit, ...	0	0	0	0	0	0	0	0
14	Highway Robbery, ... With Murder, ...	0	6	0	6	0	6	0	0
15	Highway Robbery, ... „ Wounding, ...	0	4	0	4	0	3	0	1
16	Highway Robbery, ... Unattended with aggravating circumstances, ...	0	0	0	0	0	0	0	0
17	Burglary, ... With Murder, ...	0	0	0	0	0	0	0	0
18	Burglary, ... „ Wounding or personal injury, ...	0	0	0	0	0	0	0	0
19	Burglary, ... Unattended with aggravating circumstances, ...	0	10	0	10	10	0	0	0
20	Burglary, ... Attempts to commit, ...	0	0	0	0	0	0	0	0
21	Thefts, including Cattle Stealing, ... With murder, including of Children, ...	1	4	0	5	0	4	0	1
22	Thefts, including Cattle Stealing, ... „ Wounding or personal injury, ...	0	0	0	0	0	0	0	0
23	Thefts, including Cattle Stealing, ... Unattended with aggravating circumstances, ...	1	5	0	6	5	1	0	0
24	Receiving stolen or plundered Property, ...	0	1	0	1	1	0	0	0
25	Child Stealing, For the purpose of selling or Slavery, ...	0	0	0	0	0	0	0	0
26	Child Stealing, For the sake of Ornaments, ...	0	0	0	0	0	0	0	0
27	Illegal purchase or sale of Slaves, ...	0	0	0	0	0	0	0	0
28	Affrays, ... With Homicide, ...	19	35	0	54	7	47	0	0
29	Affrays, ... „ Violent breach of the Peace, ...	7	6	0	13	7	6	0	0
30	Assaults, with wounding or personal injury,...	0	4	0	4	0	4	0	0
31	Arson, ...	0	0	0	0	0	0	0	0
32	Forgery or uttering Forged Deeds, ...	0	2	0	2	0	1	0	1
33	Suttee, aiding and abetting, ...	0	0	0	0	0	0	0	0
34	All Miscellaneous Crimes and Offences not included in the above,...	15	157	1	173	19	27	37	89
	Total,.....	76	564	1	641	132	317	46	143

REMARKS.

Under Trial.

Males, ...	626
Females, ...	16
Total, ...	641

Convicted and Sentenced to Death, ...	39
Transportation, ...	2
Imprisonment for life, ...	94
16 years, ...	0
15 „	0
14 „	54
13 „	0
12 „	0
11 „	0
10 „	11
9 „	0
8 „	1
7 „	37
6 „	1
5 „	21
4 „	8
3 „	23
2 „	5
1 „	8
Less than 1 „	1
Fined and Discharged, ...	10
Imprisonment already undergone considered sufficient,.....	2
Total Convicted and Sentenced, ...	317
Total Acquitted and Discharged, ...	132
Died in Jail, ...	3
Escaped after Commitment, ...	0
Returned to the Session Judge, ...	46
Remaining for Trial, ...	143
Total under Trial,.....	641

	Rs.	As.	P.
Fines imposed under Regulation II. 1834, ...	75	0	0
Amount realized, ...	0	0	0

N. B. Care to be taken that the 4th and 9th columns correspond with the 4th and 5th columns of No. 11.

Died, ... 3

R. MACAN, *Officiating Register.*

No. 1818.

To R. D. MANGLES, Esq.,

Secretary to Government of Bengal in the Judicial Department.

SIR,

Nizamut Adawlut.
PRESENT.
R. H. Rattray, W. Braddon, *Judges.* D. C. Smyth, J. R. Hutchinson, *Tempy. Judges.* F. C. Smith, C. Harding, and J. F. M. Reid, *Offg. Judges.* Esquires.

I am directed by the Court to request that you will lay before the Right Honorable the Governor of Bengal, the several Reports, as per annexed list marked A, received from the Commissioners of Circuit and from the Magistrates and Joint Magistrates of this Presidency, submitting their opinion, how far the present union of the Police and Revenue functions in the same Officers has affected the general state of the Police, and whether, under this arrangement, the prevalence of crimes has increased or diminished.

2. Mr. Halhed had very kindly undertaken to prepare for the consideration of his colleagues, the draft of a letter to Government, embracing a general comparative view of the former and present system of Police, but his health unfortunately obliged him to proceed on leave to the Cape without having completed this Report.

3. Under these circumstances, and considering that the sentiments of the Court on the general defects of the present system, have been very fully expressed in the Police Reports, submitted to Government on the 2d December, No. 2809, and 26th May, No. 1424 respectively, as also in the Annual Criminal Report for 1836, forwarded to your office on the 9th June, No. 1625, it does not appear necessary for the Court to record for the consideration of Government, any further remarks on this subject. The Court, therefore, have merely instructed me to forward all the Documents connected with this inquiry, together with a copy of Mr. Halhed's Minute for the information of Government.

I have the honor to be,

Sir,

Your obedient humble Servant,

R. MACAN, *Offg. Register.*

Fort William, the 16th June, 1837.

A.

List of Replies from Criminal Authorities under Bengal Presidency to the Court's Circular Order, dated 10th July 1835, regarding the union of the Offices of Collector and Magistrate.

Divisions and Districts.	From whom.	Date of Reply.	Date of Receipt.	When called for.	
11th Division, ...	Commissioner, ...	.....	.....	12th March, 30th April.	
Behar, ...	Magistrate, ...	.....	.....	12th March, 30th April	
Patna and Bar,...	Ditto, ...	.....	.....	12th March, 30th April.	
Sarun, ...	Ditto, ...	.....	.....	12th March, 30th April.	
Shahabad, ...	Ditto, ...	.....	.....	12th March, 30th April.	
12th Division, ...	Commisioner, ...	12th March,	17th March,	12th March, ...	Gives opinion.
Bhaugulpore, ...	Magistrate, ...	13th May,	19th May,...	12th March, 30th April,	Ditto
Monghyr. ...	Ditto, ...	21st Jan,	Enclosed in Commissioner's letter,	12th March, ...	Ditto.
Purneah, ...	Ditto, ...	1st Mar,		12th March, ...	Ditto.
Tirhoot, ...	Ditto, ...	8th Dec.,	14th Dec....	12th March, ...	Ditto.
13th Division, ...	Commissioner, ...	22d May,	28th May,...	12th March, 30th April,	Agrees in opinion.
Dinagepore ...	Magistrate, ...	20th March 13th May,	17th May,...	12th March, 30th April,	Gives no opinion.
Rungpore, ...	Ditto, ..	20th Feb., 9th June,	Enclosed in Commissioner's letter,	12th March, 30th Apr. 20th May, ...	No opinion.
Rajeshaye, ...	Ditto, ...	11th May,		12th March, 30th April,	Gives opinion.
Bograh, ...	Ditto, ...	31st March,		12th March, ...	No opinion.
Pubna, ...	Ditto, ...	1st June,		12th March, ...	Ditto.
Malda, ...	Ditto, ...	10th March,	17th March,	12th March, ...	Ditto.
14th Division, ...	Commissioner, ...	30th April,	7th May,...	12th March, 30th April,	Ditto.
Beerbhoom, ...	Magistrate, ...	1st Feb.,...	11th Feb.,...	12th March, ...	Ditto.
Moorshedabad,...	Ditto, ...	3d Feb.,...	5th Feb.,...	12th March, ...	Gives opinion.
Burdwan, ...	Ditto, ...	.....	.....	12th March, 30th April.	
Bancoorah, ...	Ditto, ...	19th April,	26th April,	12th March, ...	No opinion.
Hooghly, ...	Ditto, ...	23d May,...	24th May,...	12th March, 30th April,	Ditto.
15th Division, ...	Commissioner, ...	26th May,...	8th June,	12th March, 30th April,	Gives opinion.
Dacca, ...	Magistrate, ...	6th April,	12th April,	12th March, ...	Ditto.
Furreedpore, ...	Ditto, ...	....	.....	12th March.	
Mymensingh,...	Ditto, ...	20th March,	31st March,	12th March, ...	Gives opinion.
Sylhet, ...	Ditto, ...	21st April,	2d May,...	12th March, ...	No opinion.
16th Division, ...	Commissioner, ...	22d May,...	4th June,	12th March, 30th April,	Gives opinion.
Chittagong, ...	Magistrate, ...	16th April,	,,	12th March, 30th April,	Ditto,
Noacolly, ...	Ditto, ...	*	.....	12th March, 30th April,	* See Commissioner's letter No. 26 of 22d May 1836.
Tipperah, ...	Ditto, ...	14th Jan. ...	,,	12th March, 30th April,	Gives opinion.
17th Division, Assam,	Commissioner, ...	24th May,...	31st May,...	12th March, 30th April,	No report.
Gwalpara, ...	Magistrate, ...	.....	.....	12th March, 30th April,	Not required.
18th Division, ...	Commissioner, ...	23d May,...	25th May,...	12th March, 30th April,	Gives opinion.
Naddea, ...	Magistrate, ...	15th Jan.,...	,,	12th March, 30th April,	No opinion.
Jessore, ...	Ditto, ...	7th March,	,,	12th March, 30th April,	Gives opinion.
Backergunge, ...	Ditto, ...	18th Feb., 17th May,	22d Feb.		
24-Pergunnas, ...	Ditto, ...	19th May,...	24th May,...	12th Mar. 30th April, 5th May, ...	No opinion.
19th Division, ...	Commissioner, ...	15th March,	18th March,	12th March, ...	Ditto.
Midnapore, ...	Magistrate, ...	5th Feb, 12th May,	14th May,...	12th March, 30th April,	Gives opinion.
Balasore, ...	Ditto, ...	19th Feb.,...	,,	12th March, ...	No opinion.
Cuttack, ...	Ditto, ...	2d Feb.,...	,,	12th March, 30th April,	Gives opinion.
Poorec, ...	Ditto, ...	7th March,	,,	12th March, ...	No opinion.
Hidgelee, ...	Ditto, ...	See Judge of Midnapore's letter.			
Hauzareebangh,	Agent Govr. Genl.,	20th April,	2d May,...	12th March, ...	No opinion.
Allahabad, ...	Western Court, ...	10th July,...	4th Aug.		

MR. HALHED'S MINUTE.

1. To enable the Court to approximate to a conclusion, as to the merits of the present system of Police and criminal jurisprudence, under which the departments are combined with the Revenue under the same Officers, as compared with those of that which preceded, instructions were issued to the Commissioners and to the Magistrates of the several districts, to prepare and forward tabular Statements of crimes reported within their respective jurisdictions; the number of persons supposed to be concerned in the commission of those crimes; the number of persons apprehended; the number convicted and the number released; with a statement of the value of property stolen, and of that recovered for two distinct periods, namely: the first embracing the years 1826, 1827, 1828, the second 1832, 1833, 1834.

2. These two periods were selected under the supposition, that the change from one system to another might, without reference to the merits of either in itself, have operated unfavorably to the new plan; whereas the Schedules of crimes and punishments occurring within periods during which each system was in full operation, were most likely to afford the fairest means of ascertaining the practical results of both.

3. Notwithstanding that these tabular statements were called for so long ago as the 10th July 1835, several of the Commissioners and local officers have neglected to supply the information required: the general excuse for failure being the arduous nature of the double duties they have to perform, or the time occupied by their fiscal occupations. Very few of those who have supplied the returns have given correct ones; so that the general result at present is so unsatisfactory, as to preclude, in a great measure, the transmission to Government of those details, which would go further to prove the sufficiency of the arguments in favour of the one or of the other system, than whole pages of discussion.

4. An abstract of the opinions of those Commissioners and local officers who have conformed to the Court's instructions, are here annexed; a statement is also given in the margin,* shewing the names of the defaulters and the several dates of the orders and refreshers† issued to those who have wholly, or in part, obeyed the orders, on this subject transmitted to them.

* See annexed list A.
† See list marked B.

5. From the abstract in question, it appears that of the whole number of functionaries under the Court's jurisdiction, three are in favour of the fiscal and Magisterial powers, viz. one Commissioner two Collectors and Magistrates; while thirteen are totally opposed to the new system,—being three Commissioners, eight Collectors and Magistrates, two Deputy Collectors, and Magistrates; six blink the question altogether, and eighteen appear to have no opinion on the subject.

6. From the Statements, imperfect and incorrect as they most assuredly are, the following particulars are deducible:

1st. That a greater number of persons, charged with crimes, have been apprehended in the second period, viz. from 1832 to 1834, than those in the first period, viz. from 1826 to 1828.

2d. The aggregate number of convictions is greater in the latter period than in the former; while the number of heinous offences is less; but there appears to have been a very great increase of burglaries and petty thefts in the latter period.

7. From the greater proportion of convictions in the latter period, it might be assumed, that the Police had been more vigilant or better organized; but on referring to the Regulation entered in the margin,* it will be observed, that much greater facilities of convicting offenders were available in the latter period than in the former. It is not, therefore, unfair to ascribe the increase of convictions to the modification of the old laws in practice, which enables the Nizamut Adawlut to dispense on certain occasions with the Futwahs of their Law Officers, and which empowers the Circuit Judge to try criminals with the aid of assessors or by jury—in lieu of the Musulman law officers, who are not unfrequently very bigotted, and inclined to take advantage of the numerous quirks and quibbles which the host of commentators on the Mahomedan law, have substituted for science and sound arguments, to enable them to interpret the law in the manner most favorable to their own peculiar interest and private feelings.

* Regulation VI, of 1832.

8. It must not be forgotton too, that the means of bringing offenders committed by the Magistrate for trial before the Sessions Court, of themselves increase the chances of conviction, inasmuch as the circumstances are fresh in the recollection of the witnesses, and sufficient time and opportunity of suborning their evidence or of putting them out of the way before trial, are not afforded under the present practice of holding monthly Sessions.

9. The circumstances exhibited in the Schedule of crimes reported, of a decrease of offences of the most heinous description, viz. gang robbery and highway robbery, almost immediately on the introduction of the new system, would rather justify the inference, that no crimes are now reported which can possibly be concealed from the Magistracy; and as the members of the Subordinate Police establishment are now no longer punishable in the only manner which will ensure their co-operation against evil doers, and as the regular police are now prohibited from making local inquests without the express orders of their Magistrate, unless the injured party shall make oath and demand a full inquiry, there are, it is to be apprehended, but too ample grounds for the very generally received opinion, that the public police force, which was from the paucity of its materiel under the old system, made use of principally as the means of preventing the occurrence of crimes, by the acquisition of a fund of information as to the conduct, livelihood and character of the residents of each jurisdiction, together with prompt intelligence through the subsidiary village Police, &c. of the outgoings and incomings of all non-residents; are less feared, and less readily obeyed by those over whom they are placed than are the gang robbers and other evil doers, whose threats of immediate revenge against those who shall dare to communicate to the local authorities any intelligence of their acts or movements, are seldom if ever left unexecuted.

10. Mr. Dick, the Session Judge of Midnapore, has recorded in his report some observations on this head which are worthy of notice.

11. The operation of Regulation II. of 1834 has proved decidedly injurious to the police of the country in more ways than one. In the first place, a casual aberration from the principles of honesty, if met, on conviction, by a smart application of the ratan, on a part of the body of the convict not usually exposed to view, would, in very many instances, prevent a recurrence of the offence on the part of the individual malefactor, who would return to his home, a reformed being, at all events uncontaminated with a knowledge of the vices and profligacies of a common jail—under the alteration of the law, the individual convict thief, or recusant village Chowkedar, through whose neglect or direct participation the persons or property of his fellow citizens may have received damage, *must* be imprisoned; for all corporal punishment is prohibited. The prisoner is the party who cares least for this species of punishment: his wife and family, (for few of the native community are so entirely destitute, as to be without wife or family) are the real sufferers. In the case of the convict thief, it may be remarked, that petty thefts are generally the offspring of extreme want: in the case of the Chowkedar, his pay or allowances are frequently barely sufficient to enable him and his family to subsist. The convicts, in either case, incur by imprisonment the *punishment* of being well fed, warmly housed and clothed, with a less quantum of labour than they would undergo in a state of freedom, while their wives and families are placed in a state of utter starvation and destitution during the period of the defaulter's inprisonment; thus the innocent suffer for the guilty—while the example afforded to the community by the public infliction of a smarting though not very severe punishment, is lost altogether, in the pity which the neighbours must feel in seeing the innocent families of their townsmen suffering for the sins of the real delinquents.

12. The evils arising from the unnecessary restrictions imposed on the Police establishments, and out of the very mistaken humanity in prohibiting the infliction of corporal punishments, would have proved detrimental to the efficiency of either system: they account however for the suppression of heinous offences, and for the great increase of minor crimes in the latter triennial period.

13. What might have been the object of uniting the Fiscal with the Magisterial office, it is impossible for the Court to infer; for with the evidence of past experience before them, it is impossible for them to suppose that any advantage to the Police of the country could spring from the union in question.

14. Under the Hindoo administration the duties of Police were vested in the Collectors of the Land Revenue, but under a system and a code of laws widely different from those now obtaining: under the Musulman Government, the responsibility in Police matters was permitted to remain with the farmer of the Land Revenue: but, in the best of times, the protection of the roads, or rather of the persons and property of those travelling on them, was a matter of Military duty, appertaining to the Troops cantoned throughout the country; and how very limited was the extent of their jurisdiction from the line of road patroled by them, may be inferred from their strongly fortified Serais and Choultries for the accommodation of travellers, the ruins of which are still extant on all the great thoroughfares throughout Upper India.

15. Under the Native Governments, it was customary to call upon the Zemindars to refund the value of property stolen within their jurisdiction: an easy tax upon them does this appear, when it is recollected that they [the Zemindars] levied from the robbers and plunderers, whom they protected, a fourth of their illegal gains; and claimed, besides, *râhdâree* or road tax, from all travellers on an arbitrary valuation of their property, under the plea of protecting them from the very robbers harboured by themselves.

16. On the introduction of the Cornwallis Police Code, a landed aristocracy had been created at the expense of the allodial proprietors, out of the class of revenue contractors, or farmers-general of the Land tax.

17. These noblemen and gentry were relieved from the responsibility vested in them, when in a subordinate capacity; their local native establishments, kept up under the old regime, were disbanded; and the lands, the produce of which formed the means of their support, were ordered to be resumed and brought on the rent roll of their respective estates.

18. The Zumeen or arazeeat-i-chakerân, or lands set apart for the maintenance of the Revenue peons and watchmen, were at the same time, curtailed in extent by the newly established land-owners; and as far as can be ascertained, the resumption of the chakerân lands has been effected by the landed aristocracy without their bringing a single fraction of the revenue accruable therefrom, to the credit of Government. On the contrary, every means has been taken by interchanging and exchanging lands with neighbouring valid freeholders, to abolish every trace of the ancient chakerân lands.

19. The resumptions of the landed aristocracy in Pergunnah Bogree, Maunbhoom, Singhboom and the Cole countries, have created anarchy and rebellion. On more than one occasion, armies have been required to put down the fiscal abominations of the new native gentry, whose sole object has ever been to extort the last fraction from the operatives and agriculturists placed under their rule and control; and so far from affording any aid whatever to the Police, either under the former or under the present Governments, they have invariably given every possibly degree of support to evil doers under both.

20. They are now-a-days liable, under the law, to lose their estate for resistance of process against felons and for openly aiding and abetting robbers; it is easy however for them to keep out of sight, if they consider it their interest to oppose the magistracy and obstruct the police of the country.

21. They are nominally responsible for the early transmission to the Magistrate of information and intelligence regarding the commission of crimes and the haunts of offenders, but invariably shift the burthen, such as it is, on their subordinary agents and local officers; and even if legal proof of their having withheld intelligence from the Magistrate be forthcoming, the imposition of the trivial fine of 200 Rupees or 20£ sterling on the richer grade of Landholders, is insufficient to ensure their fulfilment of what the law declares to be their duty.

22. They (the landed aristocracy) like all other ignorant and presumptuous parvenus, have an insuperable objection to being called before the local authorities.

23. The extent of power conceded to these gentry (many of them might be denominated princes if the size of their estates and their productive means constituted a criterion for the award of title rank) within the limits of their jurisdictions, by the Cornwallis Revenue Code, over the cultivators, once their fellow subjects, now their serfs or bond slaves, far exceeds any thing which an Englishman, who has never left his native country, can imagine. Their nod is necessarily considered as law by all under them; he who dares oppose their will must make up his mind to immediate ruin; attachment and sale for alleged balance of all the offender's property is issuable at the will of the aristocrat; the only remedy a suit at Civil law for arrears claimed; process however will be served unless security be tendered for the arrears claimed, the acceptance of which security depends, in no small degree, upon the favour and good will of the native local functionary employed in the department of distraint and attachment.

24. Accustomed to despotism from their earliest childhood, they consider the exercise of any control, on the part of the Magisterial authorities, as derogatory to their dignity. These dignified notions of theirs have led of late years, to induce them to petition the Government most strongly against the alleged severities of the Magistracy, in summoning them to account for their omission and neglect of Police duty, as declared in the Regulations, on the part of their dependants or themselves. The favorable consideration that these allegations have met with, has loosened the reins of control in no slight degree; and there is no reason to expect that the energies of the landed interest, in the perpetually settled provinces at least, will ever be excited in favor of the Police, unless the powers of the Magistrates over them are very much enhanced.

25. They never *have* afforded and never *will* afford any cordial assistance, to either the Collectors or Magistrates, from pure good will or regard for the individual functionary, or out of any sentiments of respect for the Government; they must be *compelled* to perform their duty if any duty is expected from them.

26. There exists a practice among the minor Zumeendars, of neglecting to register succession and transfer of their landed property. There is, it is true, a law requiring the registry of mutations in landed property within a limited period, under a penalty; but the rules are evaded and the estates being let and sub-let again, it is equally impossible for the Magistrate or the Collector, to determine from the records of office, who are the actual proprietors.

27. The Magistrate may issue his fiat against the occupant farmer for instances of neglect or of transgression against the Police Laws, but the individual is probably nothing better than a sub-renting cultivator, who has, with consent of his fellow villagers, taken the farm of the Estate, at an excessive rent,

to keep out a still greater oppression in the person of a professional Putneedar, who, from having neither interest or connexion with the rent payers, will have less mercy in his exactions than a townsman.

28. The infliction of a punishment upon a miserable individual, whose means are inadequate to the suppression of offences connived at by the real proprietor who is kept out of sight, cannot have much effect towards ameliorating the Police.

29. If the Zumeendars, or landed gentry in the permanently assessed provinces, had even evinced an inclination or a disposition to aid the Magistracy, there might have subsisted some grounds for the hope, that an union of the Magisterial with the fiscal duties in the same officer might have been productive of advantage to the community at large; but the contrary has ever been the case. The utmost co-operation that an active, talented and zealous officer may have in any instances obtained from the native gentry, has been conceded through fear rather than public spirit, and has always been found to subside on the absence or withdrawal of the public officer, whose influence may have called it into temporary action.

30. The union of the Fiscal with Magisterial powers, in the same public functionary, is open to the following objections:

1st. The Revenue officer will not fail to view the duty of finance as paramount to all others; the Magisterial business will, consequently, be of minor consideration.

2dly. The temptations to aid fiscal operations by means of the Police held out under the new system, are numerous and not easily withstood.

3dly. Now the indigent portion of the agricultural community, must suffer from aberrations from the strict rules of procedure laid down by the law, which, even when the departments were separate, operated with extreme severity upon the poorer classes; and which, now that they are conjoined under one head, cut off the oppressed from all means of redress for injuries committed against them: for who will dare to complain to the Police against perpetrators of illegal acts, not to say crimes, committed under the distraint process, with any hope of retribution? A case has been before the Court, which abundantly shews the little protection which the criminal laws now afford to injured persons. The Rajah of Tipperah had let an estate in farm, the farmer had given as surety for the fulfilment of his engagement, the individual who had filed a security bond for the Treasurer of the district. A Mr. Courpain, a half-caste Frenchman, was at that time the Rajah's Agent. The Collectors notified to the Rajah the priority of the Government claim against the surety; in consequence of which the Rajah authorized his Agent to enter upon the estate, and demand revenue from the cultivators. This was contrary to the 15th Section of Regulation VII. 1799, which demands that a summary suit against the principal defaulter

be instituted before outstanding amounts can be demanded from under farmers and cultivators. The Rajah's Agent nevertheless sent an attaching officer into the estate, and began to claim and levy by distraint from the under tenants and cultivators, with the aid of the Police. The agriculturists joined in a body; resisted the attachment; and opposed the Police; and several persons were much wounded and otherwise hurt. Neither the Collector, who, as Magistrate, committed the case, nor the Commissioner who tried it at the Sessions, took any notice of the gross illegality in which the disturbance originated; and the cultivators who resisted the illegal acts of the attaching men, were severely punished. Admitting that the agriculturists were not altogether justified in openly resisting the Police, who were brought in to aid the attaching officer, yet there was no illegality in their resisting the unlawful acts of that personage and his subordinates, and under the old system the Police, being then of separate authority, would have refrained from co-operating with the distrainers until the sufficiency of their powers had been first ascertained, and the Magistrate would have supported them. This case is one of the several which have come before the Court, shewing the aptitude, which exists in the minds of native paid subordinates, to look exclusively to that authority from whose hands they derive their appointment, their salary, and their promotion or discharge.

4thly. There no longer exists the double or reciprocal check which resulted from the constant jealousy and surveillance kept up by the members of the separate establishments upon each other. The Police no longer watch the manœuvres of the Tuhseeldar or Ameens, Peons and Surburakars, the latter no longer pore over the village details of expenditure and Bunneeah's accounts, in order to detect the trickery or extortion of the latter: for the proceeds of the irregularities of both parties, if they are not credited in a common fund, are looked upon as the perquisites of the members of an united service.

31. The Magisterial functions are, for the most part, made over to a young Assistant; the Collector having no time to attend to any thing beyond revising and signing the commitments, and issuing sentences after conviction, beyond the competency of the Assistants, under the laws in force, and the appointments and dismissals of the native officers.

32. In point of reality, the Junior Assistants, with very few exceptions, do all the work of the Magistracy and Police; labouring, at the same time, under the disadvantage of being deprived of the power of rewarding the subordinate native officers by promotion, or of dismissing them without reference, for crimes, neglect or impropriety. The greatest evils arise from the want of control over the police when the members of it cannot be punished by the Magistrate without judicial proof to the satisfaction of superior authority.

33. The Collector does not give up his patronage:—the Amlah of the Police and Magisterial departments therefore look up to him and his fiscal subordinates.

34. Perhaps no race of people require a more vigilant supervision, than the native officers employed in the public duties in British India: not that they are morally worse than their fellow countrymen, but that they are on a par with them; deeply imbued with all the vices of a conquered nation, few of the virtues of their more independant ancestors have descended to them, nor have they as yet acquired any of those of their conquerors.

35. A total absence of moral principle or of a sense of honor and integrity, forms the distinguishing feature of the race: give them power, they are tyrants; keep them dependant, they are objects: but, with a taste for and tact in politics and intrigue, far exceeding any thing that an European can have an idea of. None have as yet beaten them at this game; which they, to a man, learn from their earliest childhood.

36. That the vigilant surveillance over the acts of the native subordinates, which, under the former system, was kept up by the Magistracy, Provincial Courts, and Superintendants of Police, is no longer exercised, every day's experience proves malconduct, neglect, or gross omission on the part of the Police, appears on the face of most of the proceedings submitted to the Nizamut Adawlut; and the numerous petitions against alleged delinquencies presented, show, either that the Fiscal Magistrates have not time to do their duty in this particular, or neglect it.

37. The value of the supervision and control exercised by some, perhaps most of the Commissioners, may be appreciated by the same proof, i. e., the filing of petitions by sufferers from the acts of their subordinates; superadded to which may be mentioned, the extreme jealousy evinced by some of them at the notice taken of their petitions by the Court, which they are pleased to view as an unjustifiable interference.

38. It may here be not irrelevant to the subject to remark, that the control, such as it may be of the Revenue Commissioners over the Magisterial and Police departments, falls far short of that which was exercised by the late Provincial Courts, and is infinitely less than that which the nature of the duties in the intelligence department of the also abolished Superintendants of Police, enabled these latter officers to enforce.

39. It has been of late years the fashion to decry the late Provincial Courts with those who were not, from want of experience, capable of appreciating their usefulness—placed in the centre of their Province, they were easily accessible to all complainants; and the Courts were always open to redress for any act of irregularity or oppression, attainable at the hands of those who were altogether unconnected with the parties likely to be complained against, and who deciding in their collective capacity on the case, were more likely to dispense even handed justice than can be expected from any individual: at all events, it should not be forgotten, that he who loses his cause never goes away satisfied; his prejudices towards the merit of his own case, preclude the admission of his judgment in

the matter, but it stands to reason that the decision of two or more men of experience, bears more weight with it than the opinion of any *one* individual.

40. The local Magistracy, who are now constantly cavilling at the orders and decisions of their Commissioners, not unfrequently with great justice, would not have opposed their own notions to the judgment of two or three Seniors brought up in the Service and capable of deciding upon the propriety or impropriety of the acts complained of; and if they remonstrated, would at all events, do so with temper and moderation.

41. Meeting with no determined resistance of orders, the Provincial Courts never made use of intemperate or uncivil language to convey their instructions, which the subordinates received always with obedience, and generally with respect and deference.

42. Few individuals, in common life even, will give up their opinion at the dictum of another; yet the same parties will succumb to a collective decision: the cause is obvious.

43. It has been urged against the Provincial Courts, that the members were not in consequence of the seniority system being in force, men of talent. In the first place the seniority system has been talked of as a greater evil than it in reality was. It conferred a right to place on the senior of two or more candidates for office, who was equal to, and *not inferior* to the other claimants. It has never prevented the appointment of many silly and incompetent persons to offices for which they were not qualified, towards whom it has pleased the Governor General of the day to extend his patronage; and if any of the alleged incompetent Judges of the late Provincial Courts of Appeal had been put upon their examination, to prove their sufficiency before appointment, no possible objection would have been made.

44. The real fact however is, that the collective wisdom of their colleagues in office, kept the self sufficient or inefficient members of a Provincial Court in order. He was afraid or was ashamed to oppose two or three men, whose judgment was equal to or better than his own; and there was always one amongst two or more men of sound talent and ability, to whose opinion the others in all matters of importance never failed to defer.

45. In the Police department the abolition of the office of Superintendent will long be bitterly felt. The evils which are now being felt are but the commencement of a worse state of things.

46. No means of concentrating intelligence of crime and criminals exist; no preventive power is exercised or can be exercised in the total absence of all information to obviate the commission of offences. There is an enormous Thug-catching establishment, over whose actions no regular Court has control or authority, established at a vast expence, which would not have been necessary

if the offices of the Superintendents of Police had been kept up, and their efficiency insured by their being confined to their systematic duties, of which more hereafter.

47. Those of the Court who have served as Revenue officers, and as Commissioners of Revenue under the new system, are fully aware that whatever controling powers are vested in them by the Regulations, have been abrogated by the operation of certain printed rules of practice, not recognized as laws but by which the Revenue Commissioners are bound to act.

48. Under these rules of practice, the Commissioners cannot confirm a settlement or even alter one, however erroneous, which a Collector may have made: they are the mere reporting Assistants of the Sudder Board of Revenue; and as, of late years, it seems to have been customary to select Judicial officers who had acquired no Revenue experience for these high offices, perhaps it was necessary to appoint Commissioners to report upon all occasions in the interior to give the Sudder Board the benefit of two opinions on the same subject, viz. the Collector's and the Commissioner's: the latter being perhaps also a Judicial officer, without Revenue experience. At all events the Commissioners must admit, that in their Revenue capacities they possess no Revenue powers, and are the mere mouth pieces of the Sudder Board of Revenue.

W. W. Bird.
R. Barlow.
R M Bird.
C. W. Smith.

49. They are over-worked because obliged to make long reports upon occasionally trivial subjects, and which the Collectors under the old system were sufficiently qualified to discuss and explain. The Commissioners have all the work and just that portion of credit for it which the Sudder Board can afford to concede.

50. The disunion of the Magisterial from the Revenue duties, would be productive of pecuniary advantages in all departments, besides being decidedly beneficial to the community at large. See the memorandum and details marked in the papers appended—"Abolition of all the Revenue Commissioners save those of Cuttack, North-east Rungpore, Hazareebagh, Moulmein, Arracan, &c."

Two Superintendents of Police, ...	96,000
Establishment with an Assistant each 7,200 and 12,000 say..	20,000
	1,18,000
One Member of Board of Revenue with Establishment at 1000....	70,000
	1,88,000
Balance applicable to paying Magistrates	72,000
All new appointed Collectors at..	24,000
All new Magistrates at	24,000
Joint Magistrates at	12,000
Deputy Collectors at	12,000

51. There are about twenty-eight Collectors and forty-one Deputy Collectors: from these, let selections be made of good officers for Principal Collectors, and for Magistrates, and Assistants to Magistrates—both will be available from those officers now so employed: some may be appointed Joint Magistrates, others Deputy Collectors.

52. Let two Superintendents of Police be appointed for Bengal: their duties to be similar to those exercised by them under the late regulations (now abolished.)

53. They should be ambulatory officers within their respective jurisdictions, and communicating with the Sudder on all points connected with those duties

which the late Circuit Courts performed in their individual and collective capacities.

54. They should be independent of the Sudder, or co-equal in their capacities of Superintendents of Police.

55. The additional third Member of the Sudder Board of Revenue would enable that body to depute one of the Members to any point where personal superintendence and control might be necessary.

56. Political considerations perhaps preclude any alteration in the Cuttack Division, in that of North-east Rungpore, and in that of Hazareebagh; but all the other Commissioners might be dispensed with.

57. The Session duties may be disposed of by the Civil Judges, as at present, and with greater efficiency than by any other arrangement.

58. Those officers are perhaps over-worked, at least too many decisions are expected from them. The day is not far distant when the well known saying of a former Governor General, that "any man was good enough for a Judge in India:" he "could make any fool a Judge:" will be scouted. It is not by the number of decisions that a man's judicial abilities can be appreciated, but by their soundness and their justice. To force men to gallop through a given number of cases in a month, is not fair to judge or party; and such a system can have no other effect than that of driving men to avail themselves of legal subtleties, technicalities and quibbles, in order to get rid of cases to clear their files.

59. The Sessions duties are made heavier by the inefficiency of the primary investigation, and the omissions and mistakes which result from the inexperience of the Assistants employed to conduct them, and by the want of time to spare from Revenue duties on the part of the Collectors and Magistrates (to give no other reason) for correcting and amending the crudities of their subordinates.

60. There appears to exist no small objection to allowing the Sessions Judges to exercise all the powers of the late Courts of Circuit; but the propriety of imposing the additional check of an effective supervision, on the part of the Superintendents of Police, over local officers will not be doubted.

B.

List of Replies to Circular Order of the 10th July, 1835, regarding the Union of the Offices of Magistrate and Collector.

Divisions and Districts.	*Officers.*	*Date of Reply.*	*When received.*	*When called for.*	*Abstract of Replies.*
11th Division.				12th March, 30th April, 1st July, and 13th August.	
12th Division, Commissioner,	Mr. H. Nisbet,.....	12th March, ...	17th March, ...	12th March, ...	Is decidedly adverse to the system which combines the offices of Magistrate and Collector; he has omitted to state when the districts of Tirhoot, Purneah and Monghyr were subjected to a Commissioner and when the fiscal and judicial officers were united in the last mentioned district. Thinks that the aid and co-operation afforded by the Landholders or any unpaid agent in this country, would under any system be a mere nullity.
Bhaugulpore, Magistrate,	Mr. J. Dunbar,.....	13th May,.....	19th May,.....	12th March and 30th April,	Is of opinion that the union of the offices strengthens the hands of the Magistrate and that it will enable a very active, zealous and energetic officer to make his Police government much more efficient than when they are distinct.

Tirhoot, Magistrate,	Mr. E. J. Wilkinson,	8th December,	14th December,	12th March, ...	Considers the policy of uniting the two offices in a large district where the population is great and where many European Indigo planters reside, to be very questionable; disapproves of Regulation II. of 1832. States that the two departments were joined on 5th April 1831, but separately administered until November 1833. Magistrate's hands certainly *not strengthened* by the proposed *reinforcement* of fiscal authority.
Purneah, Magistrate,	Mr. J. Read,.....	1st March, ...	17th March, ...	12th March, ...	Expresses his conviction that the expected beneficial results have not been realized from the adoption of the consolidated system, as no officer can perform his duties satisfactorily in whose mind the cases of two entirely opposite lines of business meet and confuse each other. Approves Regulation II. of 1832, as anti-extational and declares that the Magistrate's fiscal authority gives him no additional influence over the Zemindar offices incorporated in February 1831, Zillah subject to a Commissioner in February 1829.
Monghyr, Joint Magistrate,	Mr. A. Lang, ...	21st January,	17th March, ...	12th March, ...	Chief objection to the present system in his opinion is that an officer vested with powers, both Magisterial and Revenue, has his attention so divided

Divisions and Districts.	*Officers.*	*Date of Reply.*	*When received.*	*When called for.*	*Abstract of Replies.*
					and his time so occupied as not to allow of his doing justice to either of the offices under his charge. Rejects the Statements as a fallible criterion between the two systems and gives very sufficient reasons. Considers the abolition of corporal punishment and Regulation II. of 1832, to have increased the amount of crime in all districts. Conceives that it is the Magistrate who is most reverenced by the landholders. Zillah subjected to Commissioner in 1829, Joint Magistrate vested with power of Collectors on 28th February 1832.
13th Division, Commissioner,	Mr. C. W. Steer,...	22d May, ...	28th May,.....	12th March and 30th April,	Is of opinion that a Commissioner of Circuit is uselessly, in his capacity of Commissioner of Revenue, made the channel of communication between the Sudder Board and the Collector, and that the new system has tended but little to produce any beneficial effect from the Magistrate and Collector, having more frequent intercourse and communication with Landholders.

					Is inclined to set aside the testimony of Statements which sometimes show an increase of crime upon the appointment of a more than usually efficient officer. Mentions other causes of increase which may only be in force during one or two years, as famine, &c. Considers the remarkable increasement visible upon the Statements, of the second period, attributable in a great degree to increased activity and knowledge of their business on the part of Magistrates, &c. Approves of Sessions Judges and disapproves of Regulation II. of 1832. Feels convinced that until the Magisterial and Revenue departments are separated the beauties of the new system can never be developed, &c. N. B. The letter is very full.
Rajshahye, Magistrate,	Mr. H. T. Raikes,	11th May, ...	28th May, ...	12th March and 30th April,	Is of opinion that instead of the combination of the offices of Magistrate and Collector having the desired effect of bringing those officers into frequent contact with the Zemindars, it has tended to widen more than ever the breach between them.
Dinagepore, Magistrate,	Mr. G. T. Shakespear,	20th March and 13th May,	17th May, ...	12th March and 30th April,	The Collector's office having been united with that of the Magistrate only in October 1834, he can offer

Divisions and Districts.	*Officers.*	*Date of Reply.*	*When received*	*When called for.*	*Abstract of Replies.*
					no opinion on the comparative merits of the two systems mentioned in the Court's Circular Order.
Rungpore, Magistrate,	Mr. C. F. James,...	20th February and 9th June,	28th May,.....	12th March and 30th April,	Considers it unnecessary to forward any report regarding the Court's Circular Order of the 10th July, 1835, the offices of Magistrate and Collector never having been held in Rungpore by one and the same person, and the object of the Circular Order being to ascertain if any advantage has accrued from the combination of the two offices.
Bograh, Joint Magistrate,	Mr. J. Taylor, ...	31st March, ...	28th May,.....	12th March, ...	States that it was not till the middle of the year 1834, that the Zemindars became subjected, and then only partially to the orders and control of the Deputy Collector and that consequently no report can be framed as respects Bograh from any practical results.
Maldah, Joint Magistrate,	Mr. R. Forbes, ...	10th March,...	17th March,...	12th March,...	Though his individual opinion is averse to the union in the same functionary of magisterial and fiscal duties, yet the results exhibited in the statements as well as what he has been able to gather on the subject during his stay in the Maldah district, present in his opinion, no tangible ground for an impression

unfavorable to the expediency of uniting the Criminal and Revenue departments under the same functionary.

Zillah became subject to the authority of the Commissioner of the 12th Division in February, 1829.

Magisterial and fiscal duties executed conjointly by *eight officers consecutively* during the latter period, under consideration.

Number of decoitees in 1833 double those occurring in 1826, 1827 or 1828, those of 1834 nearly down to former standard—explains certain items thereto relating.

Apparent decrease of burglary, theft and receipt of stolen property in the second triennial period probably owing to Regulation II. of 1832, of which he cannot approve though it is certainly anti-extortional.

More stolen property recovered in latter than in former period. Police more vigilant.

Landholders and village Police not more useful and energetic than formerly.

Fiscal authority of no assistance to Magistrate.

Divisions and Districts.	*Officers.*	*Date of Reply*	*When received.*	*When called for*	*Abstract of Replies.*
Pubnah, Joint Magistrate,	J. B. Ogilvy, ...	1st June, ...	28th May,.....	12th March,...	States that the Magistrate of Rajshahye not having furnished him with the requisite returns to enable him to prepare the required report, he thinks it will be useless again to apply to that Officer for them.
14th Division, Commissioner,	Mr. E. M. Gordon,	30th April, ...	7th May, ...	12th March and 30th April,	The junction of Revenue and Criminal jurisdiction in the same person must improve the qualifications of the officers entrusted with the administration of criminal justice, if too much work be not heaped upon them. The remark, that the qualifications required from Magistrates are distinct from those wanted in a Collector, when made as an argument against the junction of the two offices, appears to him to be altogether without force, though the reasons enumerated prove that the junction of Criminal and Revenue duties is likely to be beneficial to criminal justice, he does not expect that such a result will be made manifest from the statements. Commissioner does not state when the districts of Beerbhoom and Moorshedabad were subjected to a Commissioner, or when the offices of Magistrate and Collector were united, he explains why reports are not submitted from the remaining three districts of his Divisions.

Is of opinion that unless the officers appointed to execute the duties of the two separate departments conjointly are well qualified; their work apportioned to their powers; their subordinates numerous and efficient, and allowances made for accidental and peculiar circumstances, effecting either their material or jurisdictions, the amount of crime will certainly increase or fiscal duties be neglected. Approves of Commissionerships of Revenue and Circuit provided that their local authority be not too extended.

Is of opinion that a Magistrate possessed of tact and affability could obtain great assistance from the landed gentry by virtue of his ex-officio situation of Collector of Revenue, besides his opportunities of obtaining local knowledge would be increased to a wonderful degree thereby.

That Commissioners by always going the same rounds become perfectly well acquainted with the affairs and localities of their jurisdictions and being singly responsible are forced to be watchful and energetic.

Thinks that three years is an insufficient period for arriving at an accurate knowledge of the amount of crime in a district as the Magistrates may have been too hardly worked, &c. &c.

Divisions and Districts.	*Officers.*	*Date of Reply.*	*When received.*	*When called for.*	*Abstract of Replies.*
					Cannot therefore place any confidence in the tabular Statements of 1832, 1833, and 1834. Disagrees in opinion with the Magistrate of Moorshedabad.
					Complains of the enormous labour to which a Commissioner is at present subjected, describes his own burdened condition and declares that no division ought ever to exceed three districts.
Beerbhoom, Magistrate,	Mr. W. J. H. Money,	1st February,	11th February,	12th March, ...	Reports that the district was subjected to a Commissioner on the 1st March 1829, and the offices of Magistrate and Collector were united on the 19th April 1830. Thinks that no particular results either favorable or otherwise, seem to have been obtained in this district in consequence of the change of system.
					Considers the increase or decrease of crime at different periods to be attributable in a great measure to the efficiency or otherwise of the Magistrates who have been in charge. Disapproves of Regulation II. of 1832, and affirms that the Magisterial authority is not in any way benefitted by a junction with the

					fiscal except in the item of knowledge gained regarding the character and behaviour of the Zemindars, &c.
Moorshedabad, Magistrate,	Mr. R. Torrens, ...	3d February,	5th February,	12th March,...	States that the jurisdiction of the Commissioner over the Criminal and Revenue departments in this district began on the 1st March 1829, but that the offices of Magistrate and Collector were not united until the 14th February 1832, the Statement submitted does not bear evidence of the efficiency of the united system, it shews that crimes have been perpetrated with more frequency than when the Magistrate had his attention undisturbed by the duties of the collectorate. Attributes the increase of crime not to the superior qualifications of the officers employed in 1826 and the two following years, but to the impossibility of one functionary attending to the duties required in the two departments. Thinks that in small districts the union of departments might be attended with beneficial results. The village Police have deteriorated under the new system, and the Zemindars are as apathetic as ever. Objects to the abolition of corporal punishment, &c. &c.

Divisions and Districts.	*Officers.*	*Date of Reply.*	*When received.*	*When called for.*	*Abstract of Replies.*
Hooghly, Magistrate,	Mr. E. F. Samuells,	23d May,.....	24th May, ...	12th March and 30th April,	Submits a Statement but does not state when the district was subjected to the Commissioner, or when the offices of Magistrate and Collector were united, the Commissioner however in the 6th paragraph of his letter dated 30th April, No. 173, observes that the offices are still separate in this district.
Bancoorah, Joint Magistrate,	Mr. W. H. Elliott,	19th April, ...	26th April, ...	12th March, ...	Transmits Statement, some of the columns of which, in consequence of the incomplete state of his records, he has not been able to fill up; he does not mention the fact, but from a list submitted by him it appears that the offices of Magistrate and Collector were united on the 1st January 1826. Details circumstances under which it would be useless to attempt by a reference to the state of his district, to form any idea of the comparative merits of the two systems in question. He does not feel competent to speak on the subject on the advantages or disadvantages which have resulted from the appointment of Commissioners; but the union of the Revenue and Magisterial duties has thrown together more duties than one person can be expected thoroughly to perform, but for this evil, in the present state of the finances of the country it

					will be difficult to find a remedy, the combination of the two departments does not induce Landholders to make greater exertions in assisting the Police. Praises Regulation II. of 1832, as anti-extortional and as having brought *many crimes to light* which would otherwise have remained concealed.
15th Division, Commissioner,	Mr. J. Lowis, ...	26th May, ...	8th June, ...	12th March and 30th April,	The review of the Statements furnishes no data upon which to form an opinion of the relative merits of the two systems—thinks that the Magistracy has been judiciously appended to the Collectory instead of the Judgeship, the junction of the offices of Collector and Magistrate has had no effect either for good or evil upon the state of the Police, but it has materially facilitated the execution of his duties by the Collector, and this "protanto" must be considered a benefit to the Government and to the public "at large—such benefit may however be too "dearly purchased *if the tendency to abuse, inherent* "*in the system*, be not carefully watched and steadily "repressed." Disapproves of the abolition of corporal punishment.
Dacca, Magistrate,	Mr. T. C. Scott,...	6th April, ...	12th April, ...	12th March,...	Observes that the offices of Magistrate and Collector were united in his district since the commencement

Divisions and Districts.	*Officers.*	*Date of Reply*	*When received.*	*When called for*	*Abstract of Replies.*
					of 1835, and affirms that the union of offices unquestionably tends to the efficiency of both provided the duties can be competently discharged in both.
Mymensingh, Magistrate,	Mr. D. Pringle,...	20th March,...	31st March, ...	12th March,...	Observes that the statements under review will but imperfectly exhibit the information requisite to judge of the merits of the respective systems, the offices of Magistrate and Collector not having been united till January 1833, and three Thannahs being separated from the Magistrate's jurisdiction in 1828, to form the Joint-Magistracy of Sherepore—remarks that the grounds on which the union of the offices of Magistrate and Collector is assumed to be productive of possible good, are in his opinion reversed in practice. He has from experience found it impracticable to do justice to the Magistracy since it became associated with laborious Revenue duties. Proposes an arrangement by which efficient Magistrates would be obtained. Congratulates the Court upon the effects of Regulation II. of 1832, which has in his opinion diminished the number of acquittals wonderfully since its first enactment.

					Denies that the Magisterial duties are ever lightened or expedited by the assistance of Fiscal power but avers the contrary most decidedly.
					Regrets the abolition of corporal punishment.
Sylhet, Magistrate,	Mr. R. H. Mytton,	21st April, ...	2d May,.....	12th March,...	States that the offices of Magistrate and Collector were united in 1826 and observes that the Statements can be no criterion of the merits of the two systems—as far as regards his district because the departments have been there joined since the year 1826.
					Comparison of the Statements of 1826, 1827, 1828, with those of 1832, 1833, 1834, during both of which periods the Magistracy was annexed to the Collectorship, serves to prove that such documents cannot be looked upon as critical in the present investigation; for it will be perceived that under the same system but under different officers, the number of crimes in the former three years are greatly in excess of those occurring in 1832 or 1833, whilst in 1834 the amount of crime is greater than in any of the former years.
					Office of Magistrate in almost every district requires undivided attention. The expence of separate Collectors and Magistrates would not be greater than that at present incurred for Joint Magistrates

Divisions and Districts.	Officers.	Date of Reply.	When received.	When called for.	Abstract of Replies.
					and Deputy Collectors, and for Native Deputies, who cannot be expected to work nearly as well. Thinks that no candid person holding the office of Magistrate and Collector will deny that it is by distinction in the Revenue Department that he looks for promotion and has therefore formed an opinion decidedly averse to the union of the offices—he considers the idea of Landholders being more likely to co-operate with the Collector-Magistrate than with the Judge-Magistrate, to be fallacious in theory, and that it has proved to be so in practice.
16th Division, Commissioner,	Mr. W. Dampier,...	22d May, ...	4th June, ...	12th March and 30th April,	The system of joining the offices of Collector and Magistrate would, if properly followed up, be productive of more efficient and vigilant control over the Police and greater check to crimes than the old established jurisdiction which it has superceded—he is decidedly averse to any change in the present system—disputed boundaries, issue and resistance of summary processes for arrears, have almost all disappeared, from which he considers that the junctions of the two offices has had the most beneficial effects on the general community—remarks that the junction

of the duties of a Magistrate with those of a Civil Judge is objectionable in the extreme but not the junction of a Collectorate and Magistracy.

Considers the new system to have worked particularly well in Chittagong, to which jurisdiction he explains it to be peculiarly adapted in many ways. Declares that in *Zillah Chittagong* the present arrangement has excelled the old one in despite of eleven changes of officers which have taken place since 1832. While in Zillah Bullooah the Collectorate authority has positively enabled the Magisterial to establish a Police among the hill men which might otherwise have been hoped for in vain.

In returns of convictions advantage decidedly on the side of the new system: attributes greater success of Magistrates in tracing criminals to the influence and local knowledge which they acquire as Fiscal officers.

The remeasurement of lands going on in his Division peculiarly enables the Fiscal to aid the Magisterial power (reasons given at length.)

When the Bullooah Magistracy was annexed to Registership and the Collectorship to the Salt Agency,

Divisions and Districts	Officers.	Date of Reply.	When received.	When called for.	Abstract of Replies.
					both offices were conducted inefficiently—the contrary in a high degree is the case at present, (reasons given at length.)
					Though in Zillah Tipperah the advantage appears to be on the side of the old system, attributes it to there having been a particularly efficient officer in charge of the Police during the latter part of the first triennial period, while during the second many changes took place and inefficiency (occasionally existed.)
					Success of new system must mainly depend upon the qualifications of the employed, earnestly deprecates any change in a system which has hardly as yet been fairly tried and to which so many young men are being trained, who will ensure its future good continuance.
					Every officer who would reach the highest situations must acquire a knowledge of the Fiscal administration of the country.
					Has often heard complaints of a want of such knowledge.

					If change takes place Magistrates will not be fit for Civil Judgships—Commissioner's Criminal decisions hastened by junction of powers. Hardly any instances could be found of Collectors using their Magisterial powers arbitrarily. Assistant with special powers quite sufficient aid to any Collector.
Chittagong, Magistrate,	Mr. J. J. Harvey,	16th April, ...	4th June, ...	12th March and 30th April,	To the result of a comparison as shewn by the Statements, which is favorable to the present system, he attaches no weight. When the attention of an individual is given undividedly to any one office, the duties of that office will be better got through than they possibly can when he is called upon to perform other duties of whatever description. In this respect he considers the system previously in force superior to that now in operation. In all other points of view, the present system by which the Magisterial and Fiscal powers are united in one individual has his decided preference. Declares acquittals to have been much diminished by the new system—that said system has not been sufficiently tried in Chittagong for all its advantages or otherwise to have distinctly shewn themselves.

Divisions and Districts.	*Officers.*	*Date of Reply.*	*When received.*	*When called for.*	*Abstract of Replies.*
					Departments were only joined in May 1832, Zillah having been subjected to a Criminal and Revenue Commissioner since 1829. No fixed system appears to have been pursued during the first three years under consideration. Considers Magistrate's power and influence to be supported and assisted in a very high degree by his Fiscal authority. Would diminish districts rather than separate the departments. New system saves to the Landholders the expense of appointing a Mooktar to superintend their business with the Magistrate. Prevents frivolous litigation, &c. New system requires talented officers. Disapproves of Courts of Circuit and praises the Session Judges.
Tipperah, Magistrate,	Mr. W. S. Alexander,	14th January,	4th June, ...	12th March and 30th April,	Observes that this district was subjected to a Commissioner on the 16th March 1829, and the offices

					of Magistrate and Collector were combined in March, 1833. Zemindars have not afforded any assistance to the Police. Notices an instance in which a murder was hushed up at a Zemindar's Cutchery. The Magistrate submits remarks on the state of crime, but expresses no opinion on the comparative merits of the two systems.
Noakhallee,	C. Tottenham, ...	See Commissioner's letter, No. 26, dated 22d May 1836.		12th March and 30th April,	No Statement (though the Joint Magistrate's attention was called to the Circular on the 12th March and 30th April last,) has been received for this district. The Commissioner in the first paragraph of his report states that the Joint Magistrate has intimated his inability to furnish the returns required from the defective state of the records in his office.
17th Division, Commissioner,	Capt. Jenkins, ...	24th May, ...	31st May, ...	12th March and 30th April,	States that the Circular Order of the 10th July is not applicable to any of the divisions under him and that he is consequently unable to furnish the report therein required. Captain Dickenson, Commissioner of Arracan's letter dated 1st April, received 13th idem, is to the same effect. It was omitted here apparently by mistake.
Hazareebaugh, Commissioner,	Capt. T. Wilkinson,	20th April, ...	2d May, ...	12th March, ...	Submits Statement for 1834, the Agency having been formed only at the commencement of that year; having always exercised the Revenue and Judicial

Divisions and Districts.	Officers.	Date of Reply.	When received.	When called for.	Abstract of Replies.
	Note by Register. The jurisdiction of Captain Wilkinson is composed of *part* of Ramghur, (the remaining portion having been transferred to Behar) with part of Jungle Mehals, the remainder of which forms Joint Magistracy of Bancoora.				powers jointly does not consider himself competent to report on the advantage of the combined over the separate powers—the *Zemindars* in the Lohardduggah and Hazareebaugh divisions are zealous in the apprehension of criminals, and the Assistants place more dependance on their co-operation than in that of the paid Police.
18th Division, Commissioner,	Mr. H. M. Pigou,	23d May, ...	25th May, ...	12th March and 30th April,	Observes that a Commissioner was appointed on the 30th December 1828, and that the system of uniting the two offices of Magistrate and Collector was introduced in Jessore in December of that year, and in Backergunge in September 1832. Advocates the disunion of the above offices on the ground of the junction of the two functions being highly injurious to the Revenue and unproductive of benefit to the Judicial Department. Statements of Jessore and Backergunge in favor of the new system. Statement of Nuddea in favor of the old. Both results ascribable in the Commissioner's opinion to the different rates of efficiency of Officers employed, and certainly not to the junction

					or separation of the two Departments of Police and Revenue. Is of opinion that co-existent fiscal powers do not in Bengal assist or benefit the Magisterial, while as long as the two lines of duty are intrusted to one individual the Revenue will undoubtedly be most neglected. Advantages of Regulation II. of 1832, as far as regards the diminution of crime, extremely doubtful. Annexes answer to a letter of Law Commission Secretary, in which he animadverts strongly upon Regulation II. of 1834.
Nuddea, Asst. Magistrate,	Mr. Halkett, ...	15th January,	25th May,.....	12th March and 30th April,	Submits statement and states that the Report required by the Court's Circular Order of the 10th July will be furnished on the Magistrate's return from the Mofussil. Can make no observations founded on his own experience. Zillah was subjected to a Commissioner in 1829. Offices of Magistrate and Collector not united until 1834.
	Mr. W. H. Martin's letter dated 8th September, 1836, received with Commissioner's ditto of 17th idem.				

Divisions and Districts.	*Officers.*	*Date of Reply.*	*When received.*	*When called for.*	*Abstract of Replies.*
					Crime increased in that year,—cannot say whether the junction of Departments had any thing to do with it, probably not. Cannot approve of Regulation II. of 1832; causes burglaries and thefts to be concealed. Thinks no influence, additional, can be acquired over the Zemindars which can make up for the inconveniences caused by a division of energies on the part of the employed.
Jessore, Magistrate,	Mr. A. F. Donnelly,	17th March,...	25th May,.....	12th March and 30th April,	The Offices of Magistrate and Collector were united in December 1828, and the district was placed under a Commissioner in June 1829. So far as he has been able to ascertain, the union of both Offices has been beneficial to the Police, as giving the Magistrate a greater influence over the Landholders by enabling him, as Collector, to shew leniency to the well disposed in the realization of the public Revenue. Observing that the present condition of the village Police is most unsatisfactory in this district, and that the union of the Revenue and Police under a Commissioner can never be beneficial.

Thinks that the results of figured Statements cannot form a criterion of the working of either system, as they are principally caused by the efficiency or otherwise of the functionaries employed during the two separate periods.

Remarks that in Zillah Jessore the Collector is not likely to resort to his Magisterial authority as an assistance to the Collector of Revenue, from the circumstance of there being few Khas Mehals therein contained—while such a course is exceedingly probable on the part of hasty and coercive officers in other districts, where Mehals of the above description are numerous and troublesome.

Inclined to consider Regulation II. of 1832 as a curse under an inactive Magistrate, though otherwise a blessing.

It is undoubtedly made use of by Darogahs for concealing and diminishing the importance of various crimes as decoity, burglary attended with wounding, &c. &c.

Disapproves of the abolition of corporal punishment.

Divisions and Districts.	*Officers.*	*Date of Reply.*	*When received.*	*When called for.*	*Abstract of Replies.*
					Gives a flagrant instance* of collusion and misconduct on the part of a village Chowkedar, which he is convinced is but too frequent at present. Disapproves of Commissioners as appellate officers from their being single individuals, a circumstance which increases appeals to a greater extent.
Backergunge, Acting Magistrate,	Mr. F. Lowth,.....	18th February, and 17th May,	22d February,	.....	The present system was not introduced into this district till 1832, he is of opinion that in such a district it was utterly impossible for any man to carry on the duties of both offices, with any degree of satisfaction to himself and the Government—the only good derivable from the combination from the continuation of the offices is that the Zemindars are made more active in apprehending people of known bad character and the village Police become more alert. With regard to figured Statements is of the same opinion as Mr. Donnelly. Only took charge of Magistracy on the 14th of December last.

					Magistrate unable under the present system to leave his station for the purpose instituting any necessary enquiry regarding heavy cases occurring in the interior. The injured will frequently fail to complain because they are aware of the multifarious duties incumbent upon a Magistrate and of the consequent delay which will take place in their particular Mukuddumas.
Backergunge, Magistrate,	Mr. J. Stainforth,	.....	.....	.....	Does not state when the district was subjected to a Commissioner—or when the offices of Magistrate and Collector were united—the immediate *decrease* of crime after the introduction of the new system, must, in his opinion, be ascribed in this district to the disjunction of the Magistracy from the Judgship and its annexation to the Collectorship—" causing delay and confusion in the Revenue and " Criminal Departments, the duties of which were " far too much for any one man to perform, while the " Civil Judge had not, upon an average, more than " three or four hours *work a day*." Thinks there can be no doubt but that the knowledge which a Magistrate gains as Collector of the people in his district is eminently useful, but is not aware that the union of the offices adds to his power in any other respect excepting perhaps in cases where the attachment of property is needed.

Divisions and Districts.	*Officers.*	*Date of Reply.*	*When received.*	*When called for.*	*Abstract of Replies.*
					Tendency of Regulation II. of 1832, is to increase crime. [Paragraph 5 of Mr. S.'s letter.] "As in this "country owing to the facility with which false "witnesses are procurable, the promptest measures "are generally the most just, and since the union "of the Magistracy and the Collectorship, there has "been necessarily great delay, I conceive that mea-"sure to have been fraught with little else than evil "in this district." N. B. In para. 2 of Mr. Stainforth's letter *decrease* should apparently be read *increase.* Exgra. context from the words "annexation to the Collectorship."
24-Purgunnah, Magistrate,	Mr. J. H. Patton,	19th May, ...	24th May, ...	12th March, 30th April and 5th May,	Submitting Statement and observing that, as the union of the system of Police and Criminal Justice with the Revenue, has never been introduced in the District under his charge, he is unable to submit the report required.

Baraset, Joint Magistrate,	Mr. G. W. Battye,	6th July, ...	7th July, ...	9th July, Statements,	States that the power given to the Deputy Collector for the trial of Revenue suits having been extended to his office since 1835, he is unable to supply Statements. Considers the present combined system objectionable. Speaks strongly against the junction of Departments from his personal experience as Officiating Magistrate and Collector at Moorshedabad and Nuddea. Cannot be an efficient superintendence of the details of both offices when the duties are so heavy and discordant. No leisure afforded to Magistrate for the purpose of gaining information which must always be the great preventive of crime in a district. Respectable natives avoid a Magisterial Collector as much as possible. Thinks the present system causes general dissatisfaction.
19th Division, Commissioner,	Mr. H. Ricketts,...	15th March,...	18th March,...	.....	Submitting Statements called for by Circular of 10th July, on the correctness of which he has no faith

Divisions and Districts.	*Officers.*	*Date of Reply.*	*When received.*	*When called for.*	*Abstract of Replies.*
					whatever. Is of opinion that a fair trial has not yet been allowed to the new system. Does not state when it was introduced at Midnapore. No alteration of system has taken place in Southern Cuttack. Change introduced into Central Cuttack in 1832. Present system prevailed many years at Balasore, returns for 1832 and 1833, unusually heavy on account of the famine which prevailed in those years. In the district of Midnapore Joint Magistrate has had undivided charge of the Police. Regulation II. of 1832 increases Burglaries and petty Thefts. Province has always been under a Commissioner. "A fair trial has not been allowed—Officers were made Magistrates who had grown old as Revenue Officers and Judges of Circuit converted into Revenue Commissioners. It will not be fair to judge of this system till all those, who were thus suddenly

					called on to play a part they had never studied, shall have been succeeded by those trained to present system."
Midnapore, Magistrate,	Mr. J. Stainforth,	5th February and 12th May,	18th March and 14th May,	12th March and 30th April,	Believes that the union of the two offices of Magistrate and Collector has not in the Midnapore district had much influence either in improving or deteriorating the Police—the whole of the Magisterial duties having been conducted, since the combination took place in October, 1831, by the Joint Magistrate whose attention was directed solely to that department without any control or interference whatever on the part of the officer in whom the responsibility of both departments rested. The only advantage apparent from the change of system is the facility with which the Collectors can carry their measures into effect; the Magistrate can derive no assistance from the combination. Regulation II. of 1832, has in this district been productive of lamentable supineness on the part of the Mofussil Police. In those districts where the duties of both departments are performed by one individual, the inconveniences and delays caused by the heavy pressure of business far outweigh any advantages to be looked for.

Divisions and Districts.	*Officers.*	*Date of Reply.*	*When received.*	*When called for.*	*Abstract of Replies.*
Balasore, Magistrate,	Mr. J. Grant,.....	19th February,	14th May, ...	12th March, ...	States that, as the functions of Police and Revenue have all along been administered by one person, he does not consider the detail required by the 3d paragraph of the Secretary's letter, or any remarks on the state of the village Police, &c. necessary.
Cuttack, Magistrate,	Mr. Mills, ...	2d February,...	14th May, ...	12th March and 30th April,	The system of combining the Revenue and Criminal departments was introduced in this Zillah in 1832, but it had for many antecedent years, been subjected to a Commissioner. Has observed no greater exertions on the part of the Landholders to co-operate in the apprehension of Criminals. Although the new system on the whole is a decided improvement on the old, still he thinks the Police and Magisterial, as Fiscal departments, should be separated and that its union on its practical application has failed. Considers the unfavorable results of the Statements to the new system to be attributable to three distinct causes independent of the system itself, viz. inferior qualifications of Magistrates, Regulation II. of 1832, and heavy visitations of Providence, i. e. storms, drought, &c.

					Laments abolition of corporal punishment.
Pooree,	Mr. Graham, ...	7th March, ...	14th May, ...	12th March, ...	A Statement is merely submitted through the Commissioner who in the 2d paragraph of his letter, No. 324, dated 15th March, observes that nothing is to be gained from the Statement of crime in this district, for no alteration of system has taken place and Mr. Wilkinson has given no opinion on the subject.
Hidgelee, Joint Magistrate,	Mr. J. Stainforth, ...	15th March, ...	18th March, ...	....	Statements required by the Court's Circular Order of the 10th July 1835, were received for this Joint Magistracy with the Commissioner of the 19th Division's letter of the 15th March, No. 324, without any remarks.

(True Copy and Abstract,)

R. MACAN, *Offg. Register.*

No. 1849.

To R. D. MANGLES, Esquire,

Secretary to Government of Bengal
Judicial Department.

Nizamut Adawlut.
PRESENT.
R. H Rattray, W. Braddon, *Judges*, D C. Smyth, *Tempy Judge*, C. Harding, *Offg. Judge*, } Esquires.

SIR,

With reference to my letter, No. 1625, of the 9th ultimo, submitting the Court's Resolutions on the last year's Annual Criminal Statements, I am directed to request that you will lay before the Right Honorable the Governor of Bengal the annexed Extract from their Proceedings of this day.

I am,
Sir,
Your obedient humble Servant,
R. MACAN, *Offg. Register.*

Fort William, the 5th July, 1837.

Extract from the Proceedings of the Presidency Court of Nizamut Adawlut, under date the 5th July, 1837.

PRESENT.

R. H. Rattray, W. Braddon, *Judges*, D. C. Smyth, *Temporary Judge*, C. Harding, *Officiating Judge*, } Esquires.

Read a Letter, No. 262, of the 22d ultimo, from the Magistrate of Tirhoot, explaining that the remarks of the Court in para. 9 of their Resolutions on the last Annual Criminal Statements of Zillah Tirhoot, are not applicable to the real circumstances of the case, (the marginal entry exhibiting the whole number of cases of each kind disposed of during the year), and that the actual amount of arrears at the close of the year was only 217 Cases.

2. The Court remark, that this error has originated entirely with Mr. Wilkinson himself, the heading of the Statement furnished by him expressly calling it a "Tabular Statement of Criminal business pending in the District of Tirhoot on the 31st December 1836," and the Circular Order of the 9th December last, directing him moreover to furnish "an accurate return of the Criminal business actually pending;" they receive the present Statement, however, with

much satisfaction, as it not only exonerates him from that neglect of duty which was imputed to him from his former erroneous return, but also evinces that he has paid much attention to his duties.

ORDERED,

That a copy of this Resolution be transmitted to the Government for its information, and another to Mr. Wilkinson, and copies also to the Session Judge and Commissioner of the Division.

(True Extract,)

R. MACAN, *Offg. Register.*

No. 2326.

To R. D. MANGLES, ESQUIRE,

Secretary to the Government of Bengal
Judicial Department.

SIR,

Nizamut Adawlut.

PRESENT.
R. H. Rattray, W. Braddon, *Judges*, D. C. Smyth, *Tempy. Judge*, and J. F. M. Reid, *Offg. Judge*, Esquires.

The Commissioner of the 16th Division having intimated his intention of submitting to the Right Hon'ble the Governor of Bengal, a copy of the Letter,* which he addressed to the Court, with reference to their remarks on the last year's Annual Criminal Statements of the District of Chittagong, the Court have to request His Lordship's attention to the circumstances out of which the Correspondence arose, that he may pass such orders, as the case may seem to him to require.

* No. 15, dated the 14th ultimo.

2. It will appear from a reference to the Resolutions abovementioned, an extract from which, consisting of the 13th and 14th paras. is annexed) that the Court had occasion, in reviewing a particular case, to question the correctness of a remark of Mr. Dampier's regarding the infrequency of needless and harassing apprehensions in the District. In justification of his remark, Mr. Dampier produces an Extract from his Police Reports, from which it appears, that he had reported the Officer then in charge of the District to Government for not displaying sufficient energy in discovering the perpetrators of a most revolting Dacoity and Murder, and he adds that as information had been given of the inhabitants of a Mugh Village, being the accomplices of the Dacoits, the seizure and detention of the whole of them was unavoidable.

3. The Court find nothing in the explanations of the Commissioner* at all tending to make it appear that even the parties in this case had not been

* A copy of the letter is also annexed, for facility of reference.

apprehended without sufficient grounds, and needlessly detained from their business and homes. The remark which Mr. Dampier makes, with a view to diminish the amount of injury done to the parties, that the village of which the whole male population had been carried away, was not a populous town, does not materially alter the features of the case; there is nothing in the Session Judge's observations, or in the Court's Resolutions to lead to the conclusion that the place was any thing but a village; and it is quite evident, that the seizure of a whole village was equally illegal and harassing to the inhabitants, whatever might be their actual number.

4. Adverting to the final para. of Mr. Dampier's letter, which is the principal occasion of His Lordship's being troubled with this reference, I am directed to observe that the Court consider that Mr. Dampier's proceeding, in communicating direct to the Government a copy of his letter, without waiting to learn if his explanations had removed the impression on their mind, or had failed of producing that effect, is both irregular and disrespectful, and the Court solicit that His Lordship will be pleased, should he view the matter in the same light, to issue such orders to Mr. Dampier, as may prevent the repetition of a similar irregularity.

I am,

Sir,

Your obedient humble Servant,

R. MACAN, *Offg. Register.*

Fort William, the 21st July, 1837.

Extract from the Resolutions of the Court, recorded on the Criminal Statements of Chittagong for 1836, *dated 28th April,* 1837.

*Acquitted, ...	44
Convicted, ...	42
Preferred, ...	13
Pending, ...	13
	112

13. At the close of the year 1835, there was one prisoner under trial in the Sessions Court; 95 prisoners were committed by the Magistrate, and 16 by the Civil Judge during the year 1836, making a grand total of 112,—these prisoners were disposed of in the mode noted in the margin.* The result is very unsatisfactory. In the Monthly Jail Delivery Statement for February last, the Court observe that no less than 26 prisoners were acquitted, all of whom had been committed apparently on very insufficient grounds. In the case of Mungfroo and others, submitted by Mr. Moore with his letter No. 11, of the 7th of March last, Mr. Moore remarks as follows: " From the want of a minute investigation " 14 persons have been, I should say, unnecessarily committed." " The 14 " therefore have been acquitted and discharged; of the remaining six three " have also been acquitted and released, and three from the subject of the present " reference." These three prisoners, the Court observe, were also acquitted. Thus of the whole twenty prisoners committed in this case, not one was convicted; the case was one of a peculiarly aggravating nature, as will be observed from the

following extract of Mr. Moore's letter. " On the night of the 24th of October " last, the house of the Prosecutor Rajbullub, a resident of Kheel Mundul, was " surrounded and attacked by a large body of Dacoits, armed in various ways, " and property to the amount of Rupees 2,610 plundered, his house burnt down, " his wife and adult son murdered, whose bodies where extracted the following " day from amidst the ruins of the fire."

14. In the same report, in detailing the manner in which the prisoners had been apprehended, Mr. Moore remarks as follows: " The summary of this is, " that though the information of two men of the name of Kelaram and Angfroo, " the Police proceeded to the village of Gucha Churree, and according to the " previous statement of Angfroo caused the apprehension of the whole of its " male inhabitants." The remark of Mr. Dampier therefore that " the returns " are satisfactory, and shew that needless and harassing apprehensions do not " prevail to any great extent," leads the Court to apprehend, that his important avocations in the Revenue Department, have not permitted him to pay much attention to the Police or Criminal business of this District, and satisfies the Court, that the recommendation contained in their letter of the 2d of December last, No. 2845, for transferring the Criminal duties under Act VII. 1835, to the Session Judges will, in this District, at least, be attended with considerable benefit to the people.

No. 15.

To R. MACAN, Esquire,

Officiating Register, Sudder Nizamut Adawlut,
Fort William.

Sir,

Judicial

I have the honor, to acknowledge the receipt of Mr. Reid's letter of the 28th April, No. 1546, with its enclosure, which reached me this morning, and with reference to the remarks of the Sudder Nizamut Adawlut in the 13th and 14th paras. of their Resolutions transmitted to me therewith, I beg to submit to them an extract from my Police Report for the last six months of 1835, relative to the conduct of the Joint Magistrate in the investigation of the aggravated case of Dacoity alluded to by them, and an extract from the Orders of Government on that Report.

The Dacoity occurring in 1835, was included in my Police Report for that year, but being tried by the Judge in 1836, came under the Criminal Justice Returns of the past year.

2. The Court will perceive that my Revenue avocations did not interfere with the control of the Police and Criminal duties entrusted to me in this instance, and that I duly brought to the notice of the Government the want of energy evinced by my subordinate officer in such an important case.

3. With reference to the remarks of the Session Judge, I beg to state, that the *Village* of Gucha Churree is a Mugh parah, situated in the hills, consisting at most of five or six houses, and not, as the wording of the Judges' report would lead the Court to believe, a "populous Town." The Dacoity in question was committed by a large band of armed Mughs, and the inhabitants of that parah were suspected of being accomplices, and the detention of them, for a few days was necessary. The Judge should in my opinion have sent a copy of his remarks to this office, or that of the Magistrate, for the purpose of enquiries being made as to the illegal detention of any person, but since he did not adopt this course, and no complaints were preferred to the Magistrate at the time, no investigation into the truth or falsehood of the "exparte" evidence given before him could take place. At any rate, the Court will perceive, that the detention of a few Mugh inhabitants of a petty parah, could not have been taken into consideration, when reporting on the apprehensions of the whole District; and such a single occurrence would not have justified me in stating, that harassing and needless apprehensions prevailed.

4. I shall consider it my duty to submit a copy of this letter to the Government of Bengal.

I am, &c.

(Signed) W. DAMPIER,

Commissioner, 16th Division.

Commissioner's Office, Chittagong, the 14th June, 1837.

Extract from the Police Report of the 16th Division, for the last six Months of 1835, *No.* 37, *dated 10th September,* 1836.

Dacoity.

33. The crime of this kind which occurred at Chittagong was an exceedingly serious one, accompanied by arson of the building which was plundered, and by the death in the house, by burning of the females in the family. It is with great regret, that I have to state there was a considerable want of energy and judgment evinced by Mr. Davidson, then in charge of the Magistracy, when the case came before him.

34. This was noticed by the Session Judge in his proceedings, and I also, on a perusal of the papers, notified to the Officiating Joint Magistrate, my extreme displeasure, at the want of energy, and of judgment evinced in his proceedings, by which the Criminals had opportunities of escaping from justice. I have no doubt but what they would have met the punishment of their offences if a proper degree of vigilance in taking advantage of offers to turn approver, or to make known particular circumstances, had been evinced.

35. The Dacoity was got up in revenge against the individual whose property was plundered, he was a rich man, and a lender of money, and a hard and

severe creditor, and those who had suffered by his severity, no doubt took this method of revenging themselves on him.

(True Extract,)

(Signed) F. J. A. ELSON,
Und. Asst. to Comr. 16th Division.

Extract from Government Orders on the Police Report for the last six Months of 1835, dated the 25th October, 1836, No. 1480.

33. His Lordship has perused with much regret, your remarks upon the conduct of Mr. C. T. Davidson, in his investigation of a case of very aggravated Dacoity, contained in the paragraphs noted in the margin. The "want of energy and management," evinced by that Officer, is stated to have been also noticed by the Session Judge—a functionary of much ability and experience. The result has been (as it would appear from your remarks though not distinctly stated) that all the thirty-one persons apprehended for a very savage Dacoity attended with arson and murder,* among whom, as His Lordship gathers from your letter, were probably the actual perpetrators, have escaped justice, such failures on the part of the Police offer very lamentable encouragement to crime. You will not fail in your future Reports, to state whether Mr. Davidson has supplied the serious deficiencies of official character above mentioned, and whether his general proceedings whilst in charge of the Police of the District, gave you satisfaction. In estimating the relative claims of officers to promotion, defects like those attributed to Mr. Davidson, must have great weight with the Governor.

Paragraph 33.

* This case is erroneously entered as a Dacoity with wounding or personal injury. But if, as you state the Dacoits set fire to the house, plundered, and the females of the family perished in the flames, they were clearly guilty of *murder*.

(True Extract,)

(Signed) F. J. A. ELSON,
Und. Asst. to Commissioner, 16th Division.

(True Copies,)

R. MACAN, *Offg. Register.*

No. 2362.

To R. D. MANGLES, Esquire,

Secretary to the Government of Bengal in the Judicial Department.

Nizamut Adawlut.

PRESENT.

R. H. Rattray, W. Braddon, *Judges*, D. C. Smyth, *Tempy. Judge*, F. C. Smith and C. Harding, *Offg. Judges*, Esquires.

SIR,

I am directed by the Court to acknowledge the receipt of your letter, No. 1282, of the 6th instant, requiring a report on the subject of the inconvenience experienced by parties who are obliged under the existing system to prefer appeals from the decisions of Magistrates to two separate authorities.

2. The Court have already brought the matter to the notice of Government in their Criminal Report for the last year. The 297th paragraph of that Document, contained an extract from a letter addressed to them by Mr. Melville, the Officiating Session Judge of Moorshedabad, in which the very inconveniences alluded to by the Commissioner of the 13th Division were pointed out; and in paragraphs 299 and 619 of the Report aforesaid, the Court suggested the entire transfer of the remaining Criminal duties to the Sessions Judges. The Court are not aware that any further remarks on this subject are at present called for.

I have the honor to be,

Sir,

Your most obedient Servant,

PIERCE TAYLOR, *Deputy Register.*

Fort William, the 28th July, 1837.

No. 2495.

To R. D. MANGLES, Esquire,

Secretary to Government of Bengal in the Judicial Department.

Nizamut Adawlut.
PRESENT.
R. H. Rattray, W. Braddon, *Judges,* D C. Smyth, *Tempy. Judge,* and C. Harding, *Offg Judge,* Esquires.

SIR.

In continuation of my letter, No. 1625 dated the 9th June last, I am directed by the Court to forward to you, for the purpose of being laid before the Right Hon'ble the Governor of Bengal, the accompanying copy of a Resolution recorded by them this day, together with copies of the several papers connected therewith, on the subject of the correspondence therein alluded to.

I am, Sir,

Your obedient humble Servant,

R. MACAN, *Offg. Register.*

Fort William, the 18th August, 1837.

(Copies,)

Resolution of the Court of Nizamut Adawlut, dated 18th August, 1837.

PRESENT,

R. H. Rattray, W. Braddon, *Judges,* D. C. Smyth, *Tempy. Judge,* and C. Harding, *Offg. Judge,* Esquires.

Read again a letter from Mr. Dunbar, Officiating Session Judge of Bhaugulpore, dated the 12th June, No. 21, with its enclosures, being a reply to the Court's

letter of the 12th May, transmitting an extract from their proceedings on the Annual Criminal Statements of the District of Bhaugulpore for the year 1836.

Read again a letter from the Deputy Register of the Nizamut Adawlut dated the 14th July, No. 2084, to the address of the Officiating Commissioner of the 12th Division, requesting Mr. Brown to favor the Court with such observations on the points adverted to by Mr. Dunbar, as he might consider necessary.

Read a letter from Mr. Brown, the Officiating Commissioner of Circuit for the 12th Division, dated the 1st August, No. 353, enclosing copy of a report made by him to Government on the subject of Mr. Dunbar's letter, and stating that the above report contains all the observations he has to offer on the points alluded to by the late Magistrate of Bhaugulpore.

Read a letter from Mr. Cheap, Session Judge of Mymensing, dated 3d June, No. 31, submitting the report called for by the Court in their letter of the 12th May last.

Read a letter from Mr. Dunbar, dated the 23d June, No. 31, offering some observations on Mr. Cheap's report.

Read again the Resolutions of the Court, dated the 12th May, on the Annual Criminal Statements of Zillah Bhaugulpore, and the Joint Magistracy of Monghyr for the year 1836.

1. The Court having carefully perused the above communications and having duly considered the explanation submitted by the late Magistrate of Bhaugulpore, on the subject of his Annual Statements, deem it their duty to state, that Mr. Dunbar has, in their opinion fully exonerated himself from the imputations contained in Mr. Brown's report of the 20th April last; and the Court therefore, have no hesitation in recalling the animadversions which they deemed it their duty to record on the Criminal Returns of the Bhaugulpore District for the year 1836.

2. They observe with regret that the Officiating Commissioner completely misled the Court of Nizamut Adawlut by asserting that Mr. Dunbar had sentenced individuals, in many cases to pay trifling fines "not as penalty due to crime, but merely as a caution for the future," and they cannot consider the remarks recorded by Mr. Brown in explanation of his report to be by any means satisfactory.

3. Previously to hazarding an assertion calculated so materially to affect Mr. Dunbar's official character, and which it was impossible for the Nizamut Adawlut to overlook, it was in the judgment of the Court, Mr. Brown's bounden duty carefully to have examined the cases, and to have been prepared, when called upon, to prove the correctness of his remarks. Instead of being able to do

this, it now appears that not one single individual has been punished " not as the penalty due to the crime, but merely as a caution for the future."

4. In drawing up their Annual Report on the state of the different Districts, and in recording their opinion on the efficacy of the measures pursued by the several Magistrates, it is obvious, that the Court of Nizamut Adawlut must be mainly guided in their observations by the general reports of the local superintending authorities, whose especial duty it is, faithfully to record the proceedings of their subordinates. Unless this is done with circumspection and with a strict regard to the actual circumstances of the case, the justice and impartiality of the superior authorities is liable to be most seriously impugned.

5. It only remains for the Court to forward the several papers connected with this correspondence to the Right Hon'ble the Governor of Bengal, in continuation of the Annual Criminal Report dated the 9th June last, with a request that the same may receive His Lordship's early consideration.

ORDERED,

That a copy of this Resolution and of the several papers connected therewith, be forwarded to the Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Hon'ble the Governor of Bengal, and that a copy be also sent to Mr. Brown and to Mr. Dunbar respectively.

No. 21.

To the Register to the Court of Nizamut Adawlut, Fort William.

SIR,

I have the honor to acknowledge the receipt of your letter, No. 1412, under date the 12th ultimo, together with its enclosure, being an Extract from the Proceedings of the Court, containing the Resolutions passed by them on the Annual Criminal Statements of this District, and the Joint Magistracy of Monghyr, for the year 1836.

2. I regret much to find that in these Resolutions, a heavy censure has been passed upon my official conduct; but the known character for justice and impartiality of the Court I have the honor to address, inspires me with the assurance, that the expression of their displeasure will be recalled, and my proceedings placed in their true light, if I can shew, that their reprehension has been built upon unsubstantial grounds.

3. To prove this, I trust, will be no difficult task, and if in doing so, I should make it appear, that the reporting officer has led the Court to form opinions and record Resolutions upon insufficient grounds, it will be borne in mind that this matter has been forced upon me, and that I write in defence of my own character.

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4. The remarks by the Officiating Commissioner quoted in the margin,* are the groundwork upon which the censure of the Court has been made to rest. They involve two errors, one in fact, and one in judgment. The first lies in Mr. Brown's assertion that "in many cases, persons were fined not as the penalty due to crime, but merely as a caution for the future;" the second in the supposition, that any of the whole 114 were fit subjects to be simply admonished, and released on moochulka.

* The proportion of convictions, to acquittals in 1835 was 7 to 6, in 1836 as 7 to 1 1/6. It is however to be observed, that of the number noted as punished, during the past year, 114 were sentenced to pay only very trifling fines (of from two rupees down to four annas each) and in many cases not as the *penalty* due to crime, but merely as a caution for the future, (buraee ibrut i ayendah); had these persons been simply admonished and released on *moochulka* it would, I apprehend, have been necessary to enter them under the head of "acquitted"

5. I submit herewith a Statement of all persons fined two rupees, or less, during the year 1836 by myself and my Assistants. It gives a greater number than that objected to by Mr. Brown, but it is well to be on the safe side, and I do not apprehend that my explanation and defence will be less complete from the circumstance. I challenge Mr. Brown to produce, from the whole of the cases, therein exhibited, a single one, in which a fine was imposed not as the penalty due to crime, but as a caution for the future.* I have marked with the letter A those cases, in the final roobecaries of which the words "buraee ibrut i ayendah," or similar expressions, are used. They are not many, but two examples will suffice to explain the use of the words in regard to the whole. Kunhya Lal, the Muhafiz Dufter, neglects so long to furnish a party in Court with the copy of a document according to order, that a complaint on the subject is made to me. He admits his fault, and pleads in excuse, circumstances, which certainly had some weight with me in passing sentence—he was fined one rupee. Again a man named Domun is personally very insolent to Mr. Assistant Bagge—he is fined two rupees; in the record of the first of these cases, the words "buraee ibrut i ayendah" are used; in that of the latter, "buraee ibrut deeguran," yet it cannot, for a moment be doubted, that the penalty is awarded for the particular offences for which these men were arraigned. All punishment has, or ought to have, more in view, that a mere fixed quantity of bodily suffering, or curtailment of the means, or liberty of the person punished, and the words "buraee ibrut i ayendah" may be taken, as conveying the expression of an expectation on the part of the officer passing sentence, of a prospective benefit to the party concerned or to others from the penalty now awarded to the offence proved. Thus I find, Mr. Lee Warner in his reports of persons punished during the month of February 1836, states that he imprisoned two men named Jhugur Modee and Maun Sing, charged with affray, attended with manslaughter, and wounding, for one year, for example;† and in the same way, nothing is more common than to hear of persons paying the penalty of their lives, under circumstances and in times, demanding such examples for offences, which might otherwise have been atoned for by a moderate term of imprisonment.‡ There was no absolute necessity for the introduction of the words in any single case disposed of by me or my subordinates during the past year, and if the Court deem it proper of course the practice will be discontinued.

* It does not follow, because the words "buraee ibrut i ayendah" are introduced that the person must necessarily have been punished *only as a caution for the future*, and with no reference to any *act committed*.

† The Session Judge, Mr. Lee Warner, remarks "I have sentenced these two last persons to one year without labor for though they have suffered severely, yet I thought it necessary to punish them as an example."

‡ In both these cases though example and the effect upon others is made an especial object, yet the imprisonment and loss of life are assuredly awarded to the offence or crime proved.

6. I confess I am utterly at a loss, to know upon what plea or principle of law Mr. Brown would simply admonish and release on moochulka, persons proved guilty of the offences, detailed in the accompanying Statement. The Court will observe, that nearly the whole of these persons were punished for

"assaults," "vexatious complaints," or "neglect of duty." Surely Mr. Brown would not recommend that the man who has beat and maltreated his neighbour, should be simply admonished, even although the complainant may have been put to considerable trouble and expence to prove his case. If so, our Courts had better be shut at once against all suitors of this kind—and to what end would mere admonition tend in cases of neglect of duty? It is not very long since corporal punishment was inflicted for this offence, (and many Magistrates are still of opinion, that the restoration of that penalty would be of much benefit) but to let it go unpunished altogether, seems to me tantamount to a complete abandonment of all discipline and subordination; and any Officer who has had experience in the mofussil, must be well aware, that upon such a system, no district could long remain in good order. It does not seem necessary to enter into any detail of the other cases in the Statement, and I shall therefore, content myself with saying that although the order in each case, may be susceptible of modification, according to the ideas, in regard to each offence, of different officers; yet there is not one, in which, according to my judgment, simple admonition of release on moochulka, would have been sufficient.

7. I observe that much credit is awarded to the Officiating Commissioner Mr. Brown, for having brought my proceedings fully and fairly to the notice of the Court. Nothing has certainly been brought to light, which it was attempted to conceal—nothing of which I have any reason to be ashamed. I think however, to say the least it would have been but fair to me, if Mr. Brown had stated the number (of the cases to which he objected) disposed of by myself, Mr. Steer, and the two Assistants and the Pundits respectively; as judging from the Court's Resolutions it might be supposed that the practice of imposing petty fines, was restricted to myself. It would have been well too if Mr. Brown had mentioned the grounds, upon which he objected to the convictions generally; it may be inferred from his remarks that he deemed the fines so small as to make it matter of little difference whether they were imposed or not, if he did think so, I differ with him entirely, being of opinion that however small a sum, two rupees or even half that sum may appear to those who can count their hundreds or thousands it is no trifle to the man, who perhaps does not earn more than double the amount in a whole month.

8. Knowing as I do that the Resolutions of the Court were passed in ignorance of the real state of matters as regards myself, I shall only remark in reference to the strong tone of reprehension, used in the 5th and 6th paragraphs of the extract before me, that it appears to me, almost incredible, that any Magistrate should be deemed capable of attempting to impose upon the Government, to obtain for himself, a character for zeal and exertions, which do not exist by imposing petty fines, to swell up the number of his convictions; for, besides that the opinion of Government is no doubt, formed more with reference to the returns for heinous crimes, than those for petty or miscellaneous offences, the monthly statements distinctly point out, the proceedings of the Magistrate, and his Assistants, during the month, in regard to these last, in three ways—first, in the detail of miscellaneous offences given at the foot of Statement No. 1. Secondly, in the Abstract on the

right hand side, of the same Statement, where there is a regular entry, for persons fined and discharged, and thirdly, in the Persian Mascubar, in which case is clearly laid down, so that the possibility of fallacious returns is entirely excluded and out of the question.

9. Were returns to be called for by the Court, from every district under their authority of petty fines, imposed during the year 1836, I apprehend that this mode of punishment will not be found to be confined to Bhaugulpoor. From the letter of the Court before me, I perceive that in Moonghyr, out of 891 persons convicted, 510 were only fined, 230 of them being Police officers or Chowkeedars, punished for "neglect of duty." This far out-numbers the returns of the same kind, from Bhaugulpoor, and I can hardly think, that punishments of this kind, have been inflicted only in these two districts. In regard to Mymensing, I cannot now speak, it is so long since I left it, however, confident in the innocence of my own intentions, in all my official acts, I doubt not, I shall be al le to give a full explanation, upon any points, regarding which, I may be questioned, after the Court shall be in possession of the report required from the Session Judge, of that District for the year 1835.

10. That it has pleased the Right Hon'ble the Governor of Bengal to extend his approbation to my exertions as a Magistrate is, I freely admit, matter of much satisfaction to me, but that this approbation has been sought and obtained by improper means, or that it has been granted on insufficient grounds, I utterly deny. The supposition is deeply injurious to my character, the absence of all proper moral feeling, the utter disregard of justice and of the happiness of the people entrusted to my care, and the total want of honesty and candour towards the Government implied in the possibility of my really having so conducted myself, as to deserve the censure recorded by the Court are repugnant to my feelings as a man, and at variance with my principles and ideas of right and wrong as a Christian. Whatever satisfactory results are to be found in the Returns from Bhaugulpoor, for the past year, are to be traced not to a system of reckless imposition of fines and injustice, but to a strict and unvaried attention to the Orders of the Court I am now addressing, and knowing this to be the case the displeasure of that Court is the more galling. Some years back the Court issued Circular instructions, particularly cautioning the Magistrates against recklessly and promiscuously causing the attendance of all persons charged with petty offences without previous proof; or permitting their Police officers to apprehend and send in individuals without sufficient reason, and pointing out the method adopted by Mr. Walters, then Magistrate of Dacca, to guard against the first of these evils. My attention was strenuously given to the subject, for I was well aware that much injustice was committed by the indiscriminate apprehension of the guilty and the innocent. I frequently directed my Assistants, both European and Native, to pay very particular attention to this matter, and I took every means of impressing upon my Police, the necessity of distinguishing between persons against whom there was actual proof or strong presumption of guilt, and those who were merely suspected by the Prosecutor, or implicated by the real criminals, through ill will. By these means, I trust, I have saved many a poor creature from much unnecessary hardship; and to these means, and such

other measures, as the Law authorized me to employ, is to be attributed whatever amelioration in the state of criminal justice, may have been apparent in this District, during the year 1836.

11. Could the voice of the people be taken I feel sure I might safely call upon those over whom I was placed in authority during the past year, to say whether I have not done my utmost to suppress* crime, and promote their happiness; and were I to appeal to one of the Judges of the Court itself, to whom I was lately immediately subordinate at the station, I feel confident he would vindicate my character, for although absent on sick leave, during the greater part of 1836, Mr. Harding is ever watchful of the conduct of those accountable to him; and he was not without opportunities of forming an opinion of me; but I will not trespass further on the time and attention of the Court, to which this explanation should have been rendered, at an earlier date, had I not been suffering from fever of late, a circumstance which must plead my excuse, for errors or omissions, as I write this from my sick couch.

* Take as an instance the decrease in Dacoities, a description of crime which no Police can conceal when the Commissioner and Magistrate are at all active or attentive to their duty.

	Dacoities.
1834	14
1835	12*
1836	3

* Of these ten occurred previous to my taking charge of the District.

12. Should the Court's resolutions have been communicated to Government, I trust a copy of this letter, or whatever explanation they may deem fit, will be sent up also. I beg you will do me the favor to bring this letter before the Court, as early as possible, as I cannot rest satisfied, till relieved of the imputations cast upon my character, an act of justice, which after this explanation, I am sure the Court will not deny. That they may have many Magistrates under them, possessed of much greater talent and ability than myself, I would not be vain enough to deny, but I can lay my hand upon my heart, and declare solemnly, that I do not think they have one, who is more anxious to do his duty to the entire satisfaction of the superior Court; or who takes a more sincere and kindly interest in the happiness and well being of the native population.

13. I shall feel obliged by your communicating to me the result of the further deliberations of the Court, at your earliest convenience.

I have, &c.

(Signed) J. DUNBAR,

Offg. Session Judge.

Bhaugulpoor, Session Judge's Office, the 12th June, 1837.

Statement shewing the number of persons sentenced to pay a fine of Two Rupees or less for Petty Offences, during the year 1836, *by the Magistrate and his Assistants.*

In what Month.	*Names of persons Fined.*	*No. of persons.*	*Offence for which they were Fined.*	*Amount of Fine.*	REMARKS.
			BY THE MAGISTRATE MR. DUNBAR.		
1836. January,	Hingun, Peeada, ...	1	Permitting a prisoner under his charge to escape,	1 0 0	In this case the Peada, whose expences were paid by the Prosecutor, allowed the individual, whom he had apprehended, to escape,—he was fined one rupee.
"	Kunnyalal, Muhafiz Dufter,	1	Neglect of duty and disobedience of orders,	1 0 0	The copy of a Petition had been applied for, by a party in Court, and the usual order to grant it, passed. Notwithstanding the lapse of a considerable time, the Muhafiz failed to get it ready, and a complaint was made to me, on the subject. As the Muhafiz had been in a very bad state of health, during the interval, and as I knew the emissaries of his predecessor (who had been suspended) to be at work to do him harm, I fined him a much smaller amount than I should otherwise have done.—A.
"	Chundoo, Basoo, Soorja, (Chupprassies,)	3	Neglect of, and absence from duty without leave,	6 0 0	These men were Chupprassies on the establishment, and absented themselves for several days without leave. They fully admitted their fault, and were fined accordingly 2 Rupees each.

In what Month.	*Names of persons Fined.*	*No. of persons.*	*Offence for which they were Fined.*	*Amount of Fine.*	REMARKS.
1836. February,	Dhurm Roy, Mihr Ulee, Bhinkoo, (Chowkeedars,)	3	Neglect of duty, ...	0 12 0	These men, who are Chowkeedars, in the town, were reported absent from duty, by the Darogah. Evidence was taken and the Chowkeedars, admitting their offence, promised better behaviour in future, they were fined 4 annas each, with a warning, that a further instance of such neglect would subject them to dismissal.
"	Ramzoo, Burkundaz,...	1	Neglect of duty and absence without leave,	2 0 0	The charge against the Burkundaz was established by the report of the Darogah and on his own admission.
"	Gopal Roy, Mohurer,	1	Neglect and carelessness in preparation of Statements,	2 0 0	The Statements for the preceding month were returned by the Commissioner, incorrect, and as the errors were the result of carelessness on the part of this Mohurer, he was fined 2 Rupees.
March,	Soomrun Pasban, ...	1	Maliciously and falsely reporting a Theft,	1 0 0	The Pasban reported at the Thannah that a bullock belonging to a certain individual had been stolen, but as it appeared from the depositions of this individual himself, and of the Pasban of his Mohulla, as also from the enquiry of the Darogah, that no theft had occurred, and that Soomrun had given false

							information, merely with a view to annoying and bringing into trouble another Pasban by name Sustoo; he was punished by fine and cautioned against such conduct in future.
April,	Ukbar Ulee, (Peeada,)	1	Vexatious and unfounded complaint,	2	0	0	This man was Peon of the Collector's Office, and there brought a charge of resistance of process, against one Domun; the case was sent to the Magistrate by the Collector, and turned out to be wholly unfounded: the Peon absconded, and I addressed a Roobcarry to the Collector, requesting him to levy the fine imposed, and recommending his dismissal from Government employ.
,,	Babooram, ...	1	Improperly and illegally appropriating a Lawaris Lota,	0	8	0	The Lota was found in a well, at Peelapoor, and although it was Lawaris and therefore required to be advertized, with a view to its being claimed by the true owner, the Peeada refused to give it up. As he was intoxicated at the time the Darogah placed him under charge of another man, till he should get sober, he gave the man the slip, however and decamped, taking the Lota with him. I accordingly made him give up the Lota, (which he said he took, because he had lost his own in the well) and fined him 8 annas, cautioning him against such conduct in future. —A.

In what Month.	*Names of persons Fined.*	*No. of persons.*	*Offence for which they were Fined.*	*Amount of Fine.*	REMARKS.
1836. April,	Ooomur Khan and Buhadoor Sing, (Burkundazes,)	2	Squabbling together and creating a tumult in the streets,	2 0 0	The town Darogah reported these two men: from the evidence it appeared that they had been disturbing the peace, by fighting and abusing each other in the middle of the streets. As they seemed to be equally in fault they were fined each one Rupee.
"	Tumeezooddeen, (Acting Nazir,)	1	Neglect of duty,.....	1 0 0	The Acting Nazir neglected to report a Burkundaz, who had come in with the Thana books, and long outstaid his time, notwithstanding positive orders on the subject; he acknowledged his fault, was fined one Rupee, and told to be more careful in future.
"	Bungroo Kahee, ...	1	Forcibly and illegally pulling down the house of another,	2 0 0	Bungroo admitted having forcibly pulled down the house of the Prosecutor; he was directed to make good the value of it, viz. Rupees 3, and fined 2 Rupees for the offence.
June,	Bechoo and Boodhoo Khan,	2	Culpable neglect and carelessness on their part whereby a life was lost,	4 0 0	From the evidence taken before the Court it appeared that these men, and another young man named Bhuttoo went to bathe together in the river, and that notwithstanding that they knew the deceased could not swim, they pulled him into deep water, in which he was unfortunately drowned. Although it was evi-

							dent, they had no design on the life of the deceased, yet I deemed it proper to mark the disapprobation of the Court of their conduct, in thus wantonly and carelessly having led to the loss of a life, I therefore subjected them to a fine of Rupees 2 each. The case having been reported by the Police as a murder, I sent a copy of my proceeding to the Commissioner, who of course, would have amended or reversed my order, if he thought it wrong.—A.
July,	Gangoo, (Chowkeedar,)	1	Assault and intoxication, ...	1	0	0	This man was reported by the Darogah of the town, as having got drunk and creating a disturbance, quarrelling with a woman of the town, (who complained of being beaten by him); he was fined and cautioned against like conduct in future.
August,	Karoo, (Burkundaze,)	1	Causing the complainant to be beaten,	2	0	0	Karoo Burkundaz, while on duty, directed several other persons to beat the complainant, because he said he had spoken to some persons, under his charge; he was fined and removed to another Thannah.
Septr.	Dilsook, (Burkundaze,)	1	Insolence to his superior officer and disobedience of orders,	2	0	0	Dilsook Burkundaz refused to take his turn of duty when ordered to do so, by the Jemadar, and abused him; he was fined and removed to another Thannah.

In what Month.	*Names of persons Fined.*	*No. of persons.*	*Offences for which they were Fined.*	*Amount of Fines.*	REMARKS.
1836. Novr.	Telok Sing, (Burkundaze,)	1	Neglect of duty,.....	2 0 0	Telok Sing was directed to escort a prisoner (a notorious bad character) in full health, to a gang at work on the Karagola road. Shortly after starting he permitted the prisoner to hire a backery and two bullocks, and thus they rode together, till stopped by the Darogah of Pointee, who reported the matter.
Decr.	Jhalloo, Ramdyal, Kulloo and Nowruttun, (Chowkeedars,)	4	Ditto, ...	2 0 0	These four Chowkeedars were found guilty of neglect in the discharge of their duty and fined each 8 Annas.
	Total ...	27			
			BY THE JOINT MAGISTRATE MR. C. STEER.		
March,	Jhubbun, (Pasban,) ...	1	Neglect of duty and absence without leave,	1 0 0	Neglect and absence proved, fined accordingly. —A.
May,	Aulum and Karoo Ray, (Burkundazes,)	2	Neglect of duty and drunkenness,	2 0 0	It appears from the Report of the Darogah and the depositions of several Burkundazes, taken by him, that these men got drunk, and made themselves very noisy, and very disagreeable in the guard room, retching in it, so as to render it almost impossible for any one to remain there.

June,	Ramdyal Bose, Bhageerut, Soopun, Sunkurdutt, Hureehur Misser,	5	Neglect of duty,.....	10	0	0	These men are Mofussil Dâk Mohurers, and having shewn great neglect in forwarding the Thannah Dawks, they were fined each 2 Rupees.
„	Peer Alee, (Burkundaz,)	1	Permitting a prisoner to escape,	1	0	0	It was not proved, that Peer Alee had connived at the escape of the prisoner, but as he was guilty of great neglect, in taking no precaution to provide against such a contingency, he was fined.
„	Sheurin, (Pasban,) ...	1	Neglect of duty,.....	1	0	0	The Nuthee mislaid (probably attached to some other Nuthee).
„	Ootim, Sanoo, (Chowkeedars,)	2	Ditto, ...	2	0	0	Neglect admitted by the Chowkeedars, fined one Rupee each.
„	Mudden Takoor, ...	1	Assault, ...	1	0	0	Muddun Takoor admitted the charge—the fine mitigated in consideration of his having had great provocation.
„	Lall Mahomed, (Mohurer,)	1	Neglect of duty,.....	2	0	0	Fined for neglect, and carelessness in his public reports.
Septr.	Posun and Deendyal, (Grasscutters,)	2	Destroying Indigo,.....	4	0	0	These men in cutting grass, from amongst Indigo, did it the injury of which the Proprietor complained and were accordingly fined 2 Rupees each.

In what Month.	*Names of persons Fined.*	*No. of persons.*	*Offence for which they were Fined.*	*Amount of Fine.*	REMARKS.
1836. Septr.	Joyram, ...	1	Unfounded and vexatious complaint,	2 0 0	Proved and fined.
,,	Jogurnath, Bhyro, Budree, Bheeka, Sabeba, Meghoo,	6	Assault, ...	12 0 0	Ditto ditto two rupees each.
,,	Laloo, Choolare and Mungur,	3	Absence without leave and neglect of duty,	3 0 0	These men are Dâk runners—their offence was proved, and they were fined each one rupee.
October,	Jowra, (Chuprassee,)	1	Neglect and absence from duty without leave,	2 0 0	Proved.
Decr.	Roopa, Banee, Dabee,	3	Neglect of duty, ...	3 0 0	These are three Chowkeedars—they were fined one rupee each.
,,	Bhatoo, (Pasban,) ...	1	Permitting a person to escape,	2 0 0	Proved.
	Total...	31			
			BY MR. H. C. BOGGE, ASSISTANT.		
April,	Moteeoollah and Posun,	2	Assault, ...	4 0 0	Proved—fined two rupees each.

„	Bhuttoo, Goordyal, Mullick, Ramdyal, Gonghun, Huree, Gangoo, Khyratee,	8	Neglect of duty, ...	16	0	0	These men are all Chowkeedars in the town, and notwithstanding repeated orders, neglected their duty and were accordingly fined two rupees each.—A.
May,	.....	3	Assault, ...	6	0	0	Proved—fined two rupees each.
June,	Khedoo, Boodho, ...	2	Ditto, ...	2	0	0	Ditto—ditto one rupee each.
„	Beerjlal, ...	1	Ditto, ...	1	0	0	Proved.
„	Luggun, Meghoo, ...	2	Ditto, ...	1	0	0	Ditto—fined eight annas each.
„	Sunkur Missr, ...	1	Ditto, ...	1	0	0	Proved.
July,	Khyratee, ...	1	Ditto, ...	1	0	0	Ditto.
„	Mungur, ...	1	Ditto, ...	1	0	0	Ditto.
August,	Assa, Kunhya, ...	2	Ditto, ...	2	0	0	Ditto—fined one rupee each.
„	Toree, ...	1	Ditto, ...	0	8	0	Proved.
„	Zeeoolla, ...	1	Abusive language, ...	1	0	0	Ditto.
„	Mangoo, ...	1	Ditto, ...	1	0	0	Ditto.
„	Keerut, ...	1	Assault, ...	1	0	0	Ditto.
„	Domun, ...	1	Insolence and contempt of Court,	2	0	0	Ditto.—A.

In what Month.	*Names of persons Fined.*	*No. of persons.*	*Offences for which they were Fined.*	*Amount of Fines.*	REMARKS.
1836, Septr.	Nundlal, Gocool and Munorut,	3	Neglect of duty,.....	0 12 0	Proved—fined four annas each, these men are Chowkeedars.
"	Mullick, Simbhoo Jha, (Chowkeedars,)	2	Ditto ditto, ...	1 0 0	Ditto—ditto eight annas each.
October,	Hingun, Boodhoo and Gonghun,	3	Ditto ditto, ...	2 0 0	These are Chowkeedars, and neglected to report a theft, Hingun fined one rupee the others eight annas each.
"	Seebdutt, ...	1	Vexatious and unfounded complaint,	2 0 0	Proved.
Novr.	Kunhya Sing, ...	1	Assault, ...	2 0 0	Ditto.
"	Dewanee, Mundar, ...	1	Ditto, ...	2 0 0	Ditto.
"	Kedhoo Momin, ...	1	Breaking down land mark and abusive language,	2 0 0	Ditto.
"	Ghurbhoo,.....	1	Assault, ...	2 0 0	Ditto.

,,	Chundoo and Bungroo,	2	Ditto, ...	2	0	0	Ditto—fined one rupee each.
Dec.	Muddhoo Dhanook, ...	1	Ditto, ...	1	0	0	Ditto.
,,	Bhoosun, Gunish and Jhota,	3	Ditto, ...	6	0	0	Ditto—fined two rupees each.
,,	Pursnath, ...	1	Vexatious complaint,.....	1	0	0	Ditto.
,,	Bhuttoo Tewaree, ...	1	Assault, ...	2	0	0	Ditto.
,,	Golam Nuvee, ...	1	Ditto, ...	1	0	0	Ditto.
,,	Chuckun, ...	1	Ditto, ...	1	0	0	Ditto.
,,	Doorga Chowdry, ...	1	Ditto, ...	1	0	0	Nutthee mislaid (since found) proved.
	Total...	52					
			By Mr. E. Monckton, Assistant.				
August,	Basoo, (Chuprassee,)	1	Neglect of duty, ...	2	0	0	Proved.
Nov.	Nanukpershad, (Burkundaz,)	1	Ditto, ...	1	0	0	Ditto.—A.
	Total...	2					
			By the Pundit.				
January,	Guneshee, Bhola, ...	2	Forcibly carrying off a Goat,...	2	0	0	Proved—fined one rupee each.
February,	Khedoo and Imambux, (Burkundazes,)	2	Neglect of duty,.....	3	0	0	Ditto—one rupee eight annas each.—A.
March,	Seeta Momin, ...	1	Assault, ...	2	0	0	Ditto.
,,	Beesoo Nudaf, ...	1	Vexatious and unfounded complaint,	2	0	0	Ditto.
	Total...	6					

ABSTRACT.

			No. of persons Fined.
By the Magistrate Mr. J. Dunbar,	...	...	27
" " Joint Magistrate Mr. C. Steer,		...	31
" " Mr. Assistant H. C. Bagge,		...	52
" " Mr. Assistant E. Monckton,		...	2
" " Pundit,	... ...	...	6
Grand Total,		...	118

(Signed) J. DUNBAR, *Offg. Session Judge.*

Zillah Bhaugulpoor, Session Judge's Office, the 12*th June*, 1837.

No. 2084.

To the Officiating Commissioner of Circuit for the 12*th Division.*

Nizamut Adawlut.
PRESENT.
R. H. Rattray, W. Braddon, *Judges*, D. C. Smyth, *Tempy. Judge*, and J. F. M. Reid, *Offg. Tempy. Judge*, } Esquires.

SIR,

I am directed by the Court to transmit to you the accompanying copy of a Letter, No. 21, dated the 12th ultimo, from the late Magistrate of Bhaugulpore, in explanation of remarks recorded by the Court on the Annual Criminal Statements for the year 1836, and to request that you will favour the Court with such observations on the points adverted to by Mr. Dunbar, as you may consider necessary.

I am, &c.

(Signed) PIERCE TAYLOR, *Deputy Register.*

Fort William, the 14*th July*, 1837.

No. 2085.

To J. DUNBAR, ESQUIRE,
Late Magistrate Zillah Bhaugulpore.

Nizamut Adawlut.
PRESENT.
R. H. Rattray, W. Braddon, *Judges*, D. C. Smyth, *Tempy. Judge*, and J. F. M. Reid, *Offg. Tempy. Judge*, } Esquires.

SIR,

I am directed by the Court to acquaint you that a copy of your Letter, No. 21, of the 12th ultimo, has been forwarded to the Commissioner of your Division for such observations as he may wish to offer, and that your Letter will be taken into consideration on the receipt of that Officer's report.

I am, &c.

(Signed) PIERCE TAYLOR, *Deputy Register.*

Fort William, the 14*th July*, 1837.

No. 353.

To the Register to the Court of Sudder Nizamut Adawlut, Fort William.

SIR,

I have the honor to acknowledge the receipt of your Letter No. 2084, dated the 14th ultimo, with its enclosures, and in reply to beg you will submit for the information of the Court, copy of a report made by me to Government on the same subject on the 19th of last month, and which contains all the observations I have to offer on the points alluded to by Mr. Dunbar.

I have, &c.

(Signed,) G. F. BROWN,

Offg. Commissioner of Circuit.

Commissioner's Office, 12th Division, Bhaugulpore, the 1st August, 1837.

No. 334.

To R. D. MANGLES, ESQUIRE,

Secretary to Government of Bengal Judicial Department,

FORT WILLIAM.

SIR,

I have the honor to acknowledge the receipt of your Letter No. 673, dated the 20th ultimo, communicating the orders of Government upon the Police Report for the last half of 1836, and to reply as follows.

2. The question alluded to in the 4th paragraph of your Letter, as being an extract from my report on Criminal Justice, has not been fairly given; for it will be seen from the transcript of the whole paragraph in the margin* that I went on to observe that even after making every deduction the result was "very creditable "to the administration of the Magistrate Mr. Dunbar."

* Para 3, the proportion.

3. In explaining why the circumstance stated by me to the Sudder Nizamut was not alluded to as qualifying the commendation contained in my Police Report, I need hardly remark that the two will scarcely bear comparison; since the one had reference to the cases disposed of by the Magistrate during the *whole* of the year 1836, whereas the other only embraced *half* that period. The instances in which persons were fined Rupees 2 and downward, "*merely as a caution for the future*" all occurred during the *first* half of the year, and therefore could find no place in my report on the *latter* half.

4. Moreover in making my Report to the Nizamut Adawlut I expressly guarded against (vide margin*) any undue importance being attached to my

* Paras. 18 and 19.

conclusions, formed as they were from the mere inspection of the Magistrate's Tabular Statements. I also pointed out that owing to the very inadequate means of information at my command, a report on Criminal Justice from me must of necessity be extremely defective and unsatisfactory, and that the Session Judges (to whom also appeals from the Magistrate's decisions, as well as all cases of commitments, were now transferred) were far better qualified to form a correct estimate on the points alluded to ; and I therefore suggested the propriety of their being called upon for their sentiments.

5. As a proof of the insufficiency of the information afforded by the Magistrate's Monthly Reports, I need only state that on examining the cases in which persons were entered as having been punished with slight fines " as a caution for the future" (as directed in your letter) I find that, except in two instances, the words are not used in the *proceedings*, but only in the Monthly *Statement*. In both these instances and generally in others, the crime was said to have been proved ; but in one case nothing is recorded as to proof, and in two others order has been passed on the Thannah papers without enquiry. The whole of the cases were decided by Mr. Steer.

6. But although the facts which formed the ground work of my remarks to the Sudder Court, were confessedly derived from the mere inspection of the Magistrate's Tabular Statements, and therefore deserving only proportionate consideration ; yet the circumstances detailed in my Police Report to Government, I should imagine, abundantly prove that Mr. Dunbar's Returns have in some degree been framed on data " calculated to mislead," and that implicit reliance cannot therefore be placed on them. This has been distinctly stated in paragraphs 24 and 32 of my Report ; and if the cases noted in the margin be taken into consideration, it would be seen that there were 360 instead of 265 crimes committed ; and that the number of computed criminals was 1071 instead of only 632 ; which will of course greatly affect the comparison between the number concerned and the number apprehended. The favorable proportion however of acquitted to condemned would remain the same, and I am very ready to admit that even had the cases above alluded to been entered in the Statements, the result though less plausible, would still have been highly creditable to Mr. Dunbar.

	Cases.	*Criminals.*
Burglaries not enquired into noted in para 9,.....	45	90
Thefts do. do. noted in para. 13 ..	49	49
Mr. Macarthee's cases noted in paragraph 22,.....	1	150
Mr. Freeman's case noted in para. 146,.....	0	200
Total..	95	489

7. With reference to the remarks contained in paragraph 7th of your letter " I beg to observe, that in my commendation of Mr. Steer I did not go to " the extent of saying that he had ' efficiently' performed the arduous and respon- " sible duties assigned to him ; for as shewn by me in more instances than one he " appeared to have conducted the investigation of cases in a very superficial " manner, and this I attributed to his having had duties of too laborious a " nature to perform, to admit of his discharging them in an efficient manner,

" and that but for his assiduity and the dispatch with which he transacts business " he could not have got through them at all."

I have, &c.

(Signed) G. F. BROWN, *Offg. Commsr. of Circuit.*

Commissioner's Office, 12th Division Bhaugulpoor, the 19th July, 1837.

(True Copy,)

(Signed) G. F. BROWN, *Offg. Commsr. of Circuit.*

No. 31.

To R. MACAN, Esquire,

Acting Register of the Nizamut Adawlut,

Fort William.

Sir,

I have the honor to acknowledge the receipt of your predecessor's letter of the 12th ultimo, No. 1412, calling upon me to furnish an explanation with reference to the Resolution of the Court of Nizamut Adawlut on the Criminal Statements of Bhaugulpore, but more directly as regards those furnished from the Magistrate's Office of this District for the year 1835. Sessions Court.

2. In reply I beg to state that I have received from the Acting Magistrate copy of a detailed Statement of the miscellaneous cases submitted by Mr. Pringle (the late Magistrate) through the Commissioner on the 20th February last, which is herewith forwarded; and I have added another explanatory of column 11, shewing by whom the sentence (on conviction) was passed in the 479 cases enumerated, and also the number of persons sentenced to be imprisoned for a period *not exceeding* 10 days—to a fine *under* 2 rupees to dismissal from office, and to be *reprimanded*, and again the nature of some of these cases have been briefly explained in a column of remarks.

3. I am at a loss to discover what is meant by " petty fines imposed by Mr. Dunbar at Mymensingh, not as a penalty due to crime but merely a caution for the future." It will be perceived of the 479 persons convicted and sentenced for *miscellaneous* offences, only eight were so by Mr. Dunbar, and these all in one case—on the complaint of an Indigo Planter's (Mr. Coull's) Assistant, of his being attacked by a tumultuous assembly of natives armed, and from whom he ran away, the Magistrate after recording that it was probable if the prosecutor had not made his escape he would have met with *severe maltreatment* (سخت اذیت) sentenced two of the delinquents to pay a fine of ten rupees and to be imprisoned for twenty-five days, and the other six to four rupees

fine and twelve days imprisonment, all with labour, if the fine was not paid within three days by the former and prompt by the latter.

4. Mr. Carruthers who was Joint Magistrate, and subsequently Acting Magistrate on Mr. Dunbar's leaving this for Bhaugulpoor in June, had for the previous five months conducted the entire Foujdarry business (Mr. Dunbar confining himself to the Revenue, chiefly "Khoz Mehal" settlements) Mr. Carruthers was relieved by Mr. Pringle on the 11th November 1835, but the former in his capacity of Joint Magistrate continued to perform the Foujdarry duties till the 25th of that month when he proceeded to the Mofussil to look after "Churs," and his resumption duties.

5. The aggregate number of persons convicted and sentenced by each of these gentlemen was as follows :

	Heinous Cases.	*Miscellaneous Cases.*	TOTAL.
Mr. Carruthers, ...	94	454	548
Mr. Pringle, ...	12	17	29
Mr. Dunbar, ...	0	8	8
Total	106	479	585

and almost all of the commitments were made by Mr. Carruthers.

6. Whatever merit (*or demerit*) may attach to the Magistrate for the result of the Criminal administration of *this* district in 1835 surely belongs to Mr. Carruthers, and who might with truth exclaim I had all the fag but "tulit alter honores," at the same time Mr. Dunbar deserves no little credit for availing himself of the services of his Joint Magistrate to the extent that he did.

7. I forward this explanation through Mr. Carruthers (now at Dacca) that he may add any remarks or observations he may have to make. My opinion of him (as far as regards the commitments to the Sessions made in 1835) will be learnt by a perusal of the accompanying extract of a letter to his address dated the 16th December 1835, and the result of the present scrutiny (which gives me a still higher opinion of him as a public officer) will, I trust, *now* obtain for him the approbation of Government and the Superior Court, for it seems that the Commissioner, whose duty it was to notice the improvement in this district, during the time *Mr. Carruthers was in charge*, omitted (perhaps inadvertently) to introduce his name, or otherwise he, together with Mr. Dunbar, would have been entitled to be held up as patterns for other Magistrates to follow—both are diffident

men, but in these times, " Modestia famæ neque summis mortalibus spernenda est."

I have, &c.

(Signed) G. C. CHEAP, *Session Judge.*

Zillah Mymensing, the 3d June, 1837.

Extracts (paras. 1st, 2d, 3d, 15th and 16th) of a letter to the address of M. W. Carruthers, Esq., Joint Magistrate of Mymensingh, under date 16th December, 1835.

Having yesterday disposed of the only case ready for decision of three trials postponed, and it being probable that the other two will lay over till the next year, I feel much gratification in communicating the successful result of the several cases committed by you in your capacity of Joint Magistrate and Acting Magistrate during the year.

2. There were in all 32 cases made over, besides two trials postponed from December 1834, including 80 prisoners, and the result was as follows :

Convicted and punished without reference, ...	54
Referred to the Nizamut Adawlut (4 cases,) ...	5*
Acquitted, ...	15
Commitment quashed (one case,)	1
Postponed (two cases,)	2
Died, ...	3
	80

* 2 convicted and sentenced capitally and 3 to perpetual imprisonment.

3. The result above exhibited I consider highly creditable to your judgment in making these commitments, and when I add that of 15 Prisoners acquitted, 6 of them had been committed by order of the late Magistrate and the Commissioner, without reflecting on them, the " onus" (if any) of the acquittals does not rest with you.

15. For almost three quarters of the year, you may be said to have had to perform the entire duties of Magistrate, Joint Magistrate, Collector, and Deputy Collector, Post Master, Stamp Darogah, &c. in short the whole of the duties which in other Zillahs is distributed among the Joint Magistrate and several Assistants, and this too in one of the largest districts in Bengal and with a Collectorship which has from a bad system of supervision and control, and want of leisure, because it is rumoured an Augian stable, having all the attributes, if not elements, " Quem dixere chaos."

16. However under the able management of Mr. Pringle and co-operation of the Acting Commissioner Mr. Lowis, some reform may be expected, and it should be a subject of gratulation to both these gentlemen that the duties of Magistrate may, under the Resolution of Government dated 1st September 1835, and circulated by the Nizamut Adawlut in a letter dated the 25th of that month, be placed in such able and zealous hands as yours.

(True Extracts,)

(Signed) G. C. CHEAP, *Session Judge.*

REMARKS.

Head, No. 2.

a. These may be classed under 4 minor heads, resistance of process issued direct by the Police or by the Magistrate through the Police of which offence (or contempt) 45 were convicted and sentenced (10 in one case relating to a Hindoo Poojah); 6 persons were convicted and sentenced for resistance to the Foujdarry Nazir's Peadah, 3 ditto ditto the Collectorate ditto, and 2 ditto ditto for resisting the Koork Surburkar of a Khoz Mehal.

——— 4.

b. Of the 47 persons convicted of "Neglect of duty," 2 were Darogahs, 5 Thannah Burkundosses, 17 Jail ditto, 20 Chokeedars, 1 a Nazir's Peadah, 1 a Police dak Hurkaru and 1 a Mooktar in not producing the person he had become personal security (or hazir zamin) for. The recovery of the amount of the Security however appears to have been considered by the Acting Magistrate sufficient punishment for the absent defendant, against whom no further proceedings were adopted.

——— 5.

c. Only 2 cases (in which there were 4 persons accused, convicted and sentenced) appear actually to come under the description of "concealing crimes" or misprison—one of a corpse and another of a burglary and theft—and there is one case of concealing a goat of the Nazir's for which the delinquent was sentenced to one week's imprisonment. Under the "&c." may be included 2 cases (2 persons) of not reporting the finding of stray cattle or trove property, 2 cases of intriguing and holding communication with Jail prisoners, one of extortion in taking wood as tolah, being an illegal demand of Seyer (defendant, a collectorate peadah) and the rest more or less amount to contempts of Court, or of orders and disrespect to the Magistrate, and his officers, or assumption of authority; for instance, endorsing on a petition that the witnesses were to be summoned without the permission or orders of the Magistrate, (sentenced to 6 month's imprisonment,) surreptitiously getting the assistant to attest a Mooktarnamah, which the Acting Magistrate declined attesting, (sentenced ditto, but reversed in appeal by the Commissioner,) attempting to defeat or cause the evasion of the Magistrate's order by running from the Kutchery to apprize a party that an order had been issued for his arrest —allowing one of the parties to perform Poojah in a "Mundub," placed under

attachment in consequence of disputes between them for possession—(Defendant a Burkundaz), taking a witness away from a Peadah. Not obeying the Nazir and giving him abuse, &c. &c.

d. This individual was convicted of leaving service without notice and sentenced to 2 week's imprisonment. There appears to have been only one case of "absconding with rents collected," the accused was not apprehended and it should have come under the head of "breach of trust." Head, No. 6.

e. Should have been included under head 30 of the Printed Form, No. 1. ——— 7.

f. Only one case appears to come under the head of Fraud and in it ten persons were convicted and sentenced (on a complaint made by the farmer of the Sudder ferry for opening a new one adjoining his or the Public Ferry, and collecting tolls from passengers) 4 to pay a fine of 10 rupees, and 6 to pay a fine of 1 rupee each (11 other individuals, who avail themselves of this unlicensed ghaut and thus injured the farmer's monopoly, were also sentenced to the same mitigated fine, and are included in head No. 13,) the other 35 persons were convicted in 32 cases of instituting false complaints or making false reports, in two instances of Burglary and Theft, in one of Cattle-stealing and in another of a Theft. ——— 8.

g. These persons were sentenced (in 7 cases,) 11 to fine and 1 to a month's imprisonment for absenting themselves after giving moochulka or personal recognizance for their attendance. ——— 11.

h. Vide above No. 8. ——— 13.

i. These 9 persons were convicted (in 3 cases) 4 on the prosecution of one concern and 5 of another. (This evasion or breach of contract is no longer a penal offence or punishable by the Criminal Courts and even under the rules *then in force* the case of each individual should have been tried separately.) ——— 16.

l. The Defendant in one case was ordered to give the woman during the pregnancy and after delivery during the infancy of the child 2 rupees per mensem for her support and in the other 1 rupee, and both (the Defendants) were called upon to give a Moochulka that they would conform to this order. Not knowing what head to include this case I have mentioned the nature of the order at length. It appears to be included in the Magistrate's Statement (by the Omlah) under the head of "fined and discharged." ——— 33.

m. These 30 persons were not convicted of any specific offence, ergo the sentence (of imprisonment) was not a penalty due to crime, but merely as a caution for the good of the community. The late Commissioner on revising these cases released 10 of the prisoners. I doubt whether any credit or merit attaches to this species of conviction and sentence. Resorting to it can only be justifiable when heinous crimes are *unusually prevalent* or on the INCREASE in particular parts of a District. ——— 34.

n. These appear to have been prisoners under sentence and not "Hajut Tujveese," which the heading (escape from the jail guard) would seem to convey. ——— 35.

o. It would appear the Acting Magistrate interdicted people from going about in the town after nine o'clock at night, and of 8 persons convicted of an infraction of this Rule, one was sentenced by him to pay a fine of 10 rupees, three 5 rupees each, and two 8 annas each; two others were reprimanded and discharged by Mr. Pringle. ——— 51.

(Signed) G. C. CHEAP, *Session Judge.*

Sessions Court, Zillah Mymensing, the 3d June, 1837.

Statement of Miscellaneous Cases shewing by what Magistrate the Sentence was passed on conviction, &c.

Head.	Description of Cases.	Convicted and Sentenced by—				Of these there were Sentenced—				
		Mr. Dunbar.	Mr. Carruthers.	Mr. Pringle.	Total.	To be imprisoned for a period not exceeding ten days.	To pay a fine under 2 Rupees.	To dismissal from Office.	Reprimanded.	Total of 4 last Columns.
1	Affray and oppression, ...	8	103	7	118	0	1	2	0	3
2	Resistance of Process, ...	0	56	0	*a* 56	0	0	0	0	0
3	Assault, ...	0	90	2	92	1	18	1	1	21
4	Neglect of duty, ...	0	47	0	*b* 47	2	2	6	1	11
5	Concealing Crimes, &c. ...	0	26	2	*c* 28	2	3	3	2	10
6	Absconding from Service with rents collected, ...	0	1	0	*d* 1	0	0	0	0	0
7	Slight wounding, ...	0	1	0	*e* 1	0	0	0	0	0
8	Fraud and False Complaints, ...	0	43	2	*f* 45	0	12	0	2	14
11	Not conforming to Mocbutho, ...	0	12	0	*g* 12	0	0	0	0	0
12	Illegally putting in duress,	0	2	0	2	0	0	0	0	0
13	Evading payment of Ferry collections, ...	0	11	0	*h* 11	0	11	0	0	11
16	Refusing to cultivate Indigo according to engagement, ...	0	9	0	*i* 9	0	0	0	0	0
22	Illegally making away with Paddy and other property,	0	6	0	6	0	2	0	0	2
24	Attempting to Steal, ...	0	1	0	1	0	0	0	0	0
27	Taking a Boat without notice to owner, ...	0	1	0	1	0	0	0	0	0
28	Abusive language, ...	0	1	0	1	0	1	0	0	1
29	Harbouring prisoners escaped from Jail, ...	0	1	0	1	0	0	0	0	0
31	Selling as Slaves, ...	0	1	0	1	0	0	0	0	0
32	Trespassing on lands decreed and under attachment, ...	0	1	0	1	0	1	0	0	1
33	For alimony in case of affiliation, ...	0	2	0	*l* 2	0	0	0	0	0
34	Notorious bad character,	0	28	2	*m* 30	0	0	0	0	0
35	Escape from the Jail Guard,	0	2	0	*n* 2	0	0	0	0	0
40	Destroying Crops, Indigo fields, &c.	0	2	0	2	0	0	0	0	0
56	Disrespectful behaviour, ...	0	1	0	1	0	0	0	0	0
57	Apprehended by Watchmen at unseasonable hours, ...	0	6	2	*o* 8	0	2	0	2	4
	Total	8	454	17	479	5	53	12	8	78

Detail of Miscellaneous Crimes for the Year 1835.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Number.	DESCRIPTION OF CRIMES.	Number of Crimes ascertained to have been committed during the year 1835.	Number of persons under examination on the 1st of January 1834.		Number apprehended during the year on attending on Summons.	Total under Trial.	Before the Assistant and Sudder Ameen and Principal Sudder Ameens.		Before the Magistrate and Joint Magistrate.			Under Trial on the 1st of January 1835.		Died.
			In Jail.	On Bail.			Acquitted and Discharged.	Convicted and Sentenced.	Acquitted and Discharged.	Convicted and Sentenced.	Committed to the Sessions.	In Jail.	On Bail.	
	Detail of Miscellaneous Crimes.													
1	Affray and Oppression, ...	337	3	23	202	228	12	40	32	118	0	2	23	1
2	Resistance of process, ...	23	0	9	62	71	1	5	6	56	0	0	3	0
3	Assault, ...	668	0	38	213	251	34	74	24	92	0	0	27	0
4	Neglect of duty, ...	23	0	4	53	57	0	2	0	47	0	0	8	0
5	Concealing Crimes, &c.	34	0	2	29	31	1	0	2	28	0	0	0	0
6	Absconding from Service with rents collected, ...	34	0	0	6	6	0	0	4	1	0	1	0	0
7	Slight Wounding, ...	5	0	0	2	2	0	0	0	1	0	0	1	0
8	Fraud and False Complaints, ...	27	0	0	58	58	1	7	2	45	0	0	3	0
9	Striking with a Rattan, ...	0	0	1	0	1	0	0	1	0	0	0	0	0
10	Oppressive Exaction, ...	0	0	0	1	1	0	0	1	0	0	0	0	0
11	Not conforming to Muchulkeh, ...	1	0	0	12	12	0	0	0	12	0	0	0	0
12	Illegally putting in duress, ...	48	0	5	10	15	3	10	0	2	0	0	0	0
13	Evading payment of Ferry Collections, ...	0	0	0	11	11	0	0	0	11	0	0	0	0
14	Bribery, ...	17	0	0	7	7	0	1	2	0	3	0	1	0
15	Refusing payment of liquor to Abkar, ...	0	0	0	1	1	0	1	0	0	0	0	0	0
16	Refusing to cultivate Indigo according to engagement, ...	20	0	0	16	16	0	1	6	9	0	0	0	0
17	Breach of trust of Property, ...	2	0	0	1	1	0	1	0	0	0	0	0	0
18	Letting a Thief escape, ...	0	0	1	2	3	0	3	0	0	0	0	0	0
19	Driving away Cattle by force, ...	11	0	0	6	6	0	5	1	0	0	0	0	0
10	Forcibly taking away Ryots, ...	11	0	1	3	4	0	4	0	0	0	0	0	0
21	Giving in marriage Prosecutor's wife to another by force, ...	1	0	0	1	1	1	0	0	0	0	0	0	0
22	Illegally making away with Paddy and other Property, ...	37	0	2	15	17	1	5	4	6	0	0	1	0
23	Forcibly erecting Houses, ...	0	0	1	0	1	0	0	0	0	0	0	1	0
24	Attempt to Steal, ...	1	0	0	1	1	0	0	0	1	0	0	0	0
25	Non-payment of Wages, ...	27	0	0	2	2	0	0	0	0	0	0	2	0
26	Forcibly sowing Indigo, ...	4	0	0	4	4	0	2	0	0	0	0	2	0
27	Taking a Boat without notice to Owner, ...	1	0	0	1	1	0	0	0	1	0	0	0	0
28	Abusive Language, ...	4	0	0	3	3	0	2	0	1	0	0	0	0
29	Harbouring Prisoners escaped from Jail, ...	0	0	0	1	1	0	0	0	1	0	0	0	0
30	Illegally shutting up Roads, ...	16	0	0	1	1	0	0	1	0	0	0	0	0
31	Selling as Slaves, ...	2	0	0	2	2	0	0	1	1	0	0	0	0
32	Trespassing on lands decreed and under attachment, ...	2	0	0	1	1	0	0	0	1	0	0	0	0
33	For Alimony in case of Affiliation, ...	13	0	0	5	5	0	0	1	2	0	0	2	0
34	Notorious bad Character, ...	7	0	0	36	36	0	0	4	30	0	1	1	0
35	Escape from Jail Guard, ...	2	0	0	3	3	0	0	0	2	0	0	0	1
36	Disputing for Marriage, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
37	Attempting an Affray, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
38	Illegally attaching Property, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
39	Causing Abortion, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
40	Destroying Crops, Indigo fields, &c.	10	0	0	4	4	0	0	0	2	0	0	2	0
41	Rape, ...	3	0	0	0	0	0	0	0	0	0	0	0	0
	Total Carried over	1394	3	87	775	865	54	163	92	470	3	4	77	2

Detail of Miscellaneous Crimes for the Year 1835.—*(Continued.)*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Number.	DESCRIPTION OF CRIMES.	Number of Crimes ascertained to have been committed during the year 1835.	Number of persons under examination on the 1st of January 1834.		Number apprehended during the year or attending on Summons.	Total under Trial.	Before the Assistant and Sudder Ameen and Principal Sudder Ameens.		Before the Magistrate and Joint Magistrate.			Under Trial on the 1st of January 1835.		Died.
			In Jail.	On Bail.			Acquitted and Discharged.	Convicted and Sentenced.	Acquitted and Discharged.	Convicted and Sentenced.	Committed to the Sessions.	In Jail.	On Bail.	
	Brought over	1394	3	87	775	865	54	163	92	470	3	4	77	2
42	Attacking a Boat, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
43	Illegally searching a House, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
44	Forcibly taking away Money, ...	2	0	0	0	0	0	0	0	0	0	0	0	0
45	Forcibly cultivating Prosecutor's Land, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
46	Searing with a hot Iron, ...	2	0	0	1	1	0	0	0	0	0	0	1	0
47	False Reports, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
48	Killing Cattle, ...	2	0	0	0	0	0	0	0	0	0	0	0	0
49	Dispossessing land, and Mehal Julkur, ...	8	0	0	0	0	0	0	0	0	0	0	0	0
50	Forcibly occupying Prosecutor's House, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
51	Concealing Corpse, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
52	Driving Prosecutor from his House, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
53	Exaction of a Fine by force, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
54	Taking documents by force from Prosecutor, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
55	Embezzlement of Government Property and sale of stray Cattle, ...	1	0	0	0	0	0	0	0	0	0	0	0	0
56	Disrespectful Behaviour, ...	3	0	0	3	3	0	1	1	1	0	0	0	0
57	Apprehended by Watchmen at unseasonable hours, ...	3	0	0	8	8	0	0	0	8	0	0	0	0
	Grand Total	1424	3	87	787	877	54	164	93	479	3	4	78	2

Note.—The above detailed Statement appertains to a period when the present Magistrate was not in charge of the District, which he only joined at the close of the year, these cases therefore were, with a few exceptions, disposed of by his Predecessor or the Acting Joint Magistrate.

Zillah Mymensingh, the 20*th February*, 1837.

(Signed) D. PRINGLE,
Magistrate.

(A true Copy.)

(Signed) E. A. IRWIN,
Offg. Magistrate.

No. 31.

To R. MACAN, Esq.,

Acting Register Nizamut Adawlut, Fort William.

Sir,

Mr. Carruthers being an intimate personal friend of mine, and knowing the anxiety I must be under, till I have cleared myself in the opinion of the Nizamut Adawlut, has kindly forwarded to me a copy of Mr. Cheap's report, submitted through him, and furnished in conformity to the instructions issued in your predecessor's letter, No. 1412, under date the 12th ultimo, and with reference thereto, I have the honor to request that you will lay before the Court the few following observations.

2. From Mr. Cheap's Report, it appears that there is not a single conviction of the nature referred to in the Resolutions of the Court on the Annual Criminal Statements for this District. I felt confident, that such would be found to be the case, as I was aware that I had been almost exclusively occupied with revenue matters during the four or five months previous to my quitting Mymensingh. Mr. Cheap very justly observes, that whatever merit attaches to the administration of Criminal Justice in Zillah Mymensingh during the year 1835 is due to Mr. Carruthers, and most sincerely do I disclaim in his favor the meed of praise. When Mr. Carruthers came first to Mymensingh, he had not had much experience, and in all cases of much importance he was in the habit of consulting me, and as he was well aware of my great objection to that reckless system of apprehensions which some years back attracted the especial notice of the Court, were I to claim any merit it would be on the score of having by my advice and suggestions in some degree contributed to those results, which have called forth the favorable notice of Government and of the Session Judge.

3. Full information of the nature required, both from Mymensingh for the year 1835 and from Bhaugulpoor for 1836 being now before the Court, I beg respectfully to state, that I trust no time will be lost in wiping away the stigma which must attach to my official conduct so long as the Resolutions of the 12th ultimo remain without contradiction or amendment. If the Court will refer to their records, I think in the course of upwards of a thirteen years service, they will find no memorials of a captious or disobedient disposition on my part. To err is the common lot of mankind, and doubtless in my official proceedings I have often afforded instances of the universal frailty, but my conscience assures me, that however much I may have missed my end, the object of my exertions has ever been, to do my duty in such a manner, as to merit the approbation of my superiors, and to render the exercise of my functions beneficial to the people. In this district in particular, I labored hard to make the administration of justice as little burthensome as possible, to all except those who had transgressed the laws, and to establish an active and efficient Police; and I confess I was not without hopes that the Court would bestow their favorable notice upon my exertions; of course, it is for the Court to judge, by the results; of the degree of

success or the want of it, which has attended these exertions. If I have utterly failed, I must submit to be regarded as an inefficient public officer. If I have been successful, I would ask only for the reward held out as an incentive to zealous services, by the Court itself, in the 6th para. of your Circuit Letter No. 1544 dated the 19th ultimo.

I have, &c.

(Signed) J. DUNBAR, *Offg. Session Judge.*

Bhaugulpore, Session Judge's Office, the 23d June, 1837.

Resolution of the Presidency Court of Nizamut Adawlut, under date the 12th May, 1837.

PRESENT.

R. H. Rattray,
W. Braddon,
Judges,
D. C. Smyth, *Temporary Judge,*
and
J. R. Hutchinson, *Offg. Judge,*
} Esquires.

* *Bhaugulpore Magistrate's Court.*
Bhaugulpore, including
Monghyr.
Tirhoot.
Purnea.

1. The Statements for this Division, comprising the Districts noted in the margin,* were submitted by Mr. Brown, Officiating Commissioner of Circuit, with a report dated the 20th April.

2. Mr. J. Dunbar was in charge of the Magistracy of the District of Bhaugulpore from the 1st of January to the 14th of November. On the 15th November Mr. Dunbar delivered over charge to Mr. Steer, and Mr. Steer again delivered over charge to Mr. Dunbar on the 14th December; who continued in charge of the District up to the 31st of December.

* Acquitted,	133
Convicted,	805
Committed,	59
Died,	1
Under Trial.	
Jail, 4 } Bail, 5 }	9
	1007

3. At the close of the year 1835, there were 32 persons under trial, viz. 12 in jail and 20 on bail or personal recognizance; 975 persons were apprehended during the year 1836, making a grand total of 1007, and these persons were disposed of as noted in the margin.*

* Heinous Crimes,	184
Apprehended,	348
Convicted,	216
Acquitted,	68
Petty Offences,	362
Apprehended,	659
Convicted,	589
Acquitted,	62

4. The Statement noted in the margin,* shews the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as "petty offences." The Officiating Commissioner, Mr. Brown, makes the following remarks regarding the Bhaugulpore District: "The proportion of convictions "to acquittals in 1835 was as 7 to 6, in 1836 as 7 to $1\frac{1}{6}$. It is however to be "observed that of the number noted as punished during the past year, 114 were "sentenced to pay only very trifling fines (of from two rupees down to four annas

" each,) and in many cases not as the penalty due to crime, but merely as a " caution for the future (" *burae ibrut i oyendah.*") Had these persons been " simply admonished and released on *Moochulka*, it would, I apprehend, have " been necessary to enter them under the head of 'Acquitted.'" The Court have noticed these observations with very great regret. It must be obvious that if persons are convicted and fined a few annas " not as a penalty due to crime, but merely as a caution for the future," no dependence whatever can be placed on the statements, either by this Court, or by the Government; and no correct opinion regarding the state of any District, can be formed on such inaccurate data. Great injustice is moreover done to the people, and these petty fines have every appearance of being imposed by the Magistrate with a view of swelling up the number of the convictions; and thus of obtaining the approbation of Government for zeal and exertions, which do not exist, for an apparent amelioration in the state of Criminal Justice founded on the most fallacious returns.

5. Such has in fact been the natural consequence in the present instance of Mr. Dunbar's proceedings. The Court observe, that the large proportion of persons convicted by Mr. Dunbar, when formerly Magistrate of Mymensing, and latterly of Bhaugulpore, has already received the marked approbation of the Right Hon'ble the Governor of Bengal; and the mode in which he has conducted his proceedings, has been held up, in Mr. Secretary Mangles' despatch of the 20th of February last, No. 455, as a pattern for other Magistrates to follow. The large proportion of persons, convicted by Mr. Dunbar, in these two Districts, has moreover led the Right Hon'ble the Governor of Bengal to doubt, whether the standard fixed by the Court in their Annual Report for the year 1835, regarding the proportion of acquittals to convictions, was not too low. The Court observe that the convictions in Mymensing, under Messrs. Dunbar and Carruthers in 1835 were (including commitments) 833; while the acquittals were only 279; the Magistrate however, as observed in the Court's resolutions, for that year, omitted to submit any statement of the miscellaneous cases, and the Court consequently remarked, that they were " unable to discover under what particular head these " numerous convictions had taken place." With reference however to Mr. Dunbar's proceedings at Bhaugulpore, and to the importance the Court attach to this subject, the Session Judge of Mymensing, Mr. Cheap, will be requested carefully to revise the Annual Statement, No. 1, of the District of Mymensing, for the year 1835, and to ascertain, from an examination of some of the cases, and from such other sources, as he may deem proper, whether petty fines were also imposed by Mr. Dunbar at Mymensing " not as a penalty due to crime, but merely as a caution for the future." Mr. Cheap will be further requested to report, what number of persons were convicted and sentenced in 1835, to pay a fine, under the amount of 2 Rupees, and what number of the persons convicted, were sentenced to be imprisoned for a period not exceeding 10 days.

6. The Court consider the Officiating Commissioner, Mr. Brown, to have performed a most essential part of his duty as Commissioner of Circuit, in having brought Mr. Dunbar's proceedings fully and fairly to the notice of the Court; they

will request that he will furnish a similar report for the District of Bhaugulpore for the year 1836; as has been required from the Session Judge of Mymensing for the year 1835. They would not impose this duty on Mr. Brown were they not aware that the office of Session Judge of Bhaugulpore had been lately conferred on Mr. Dunbar.

7. No persons were acquitted in consequence of Razeenamehs being filed, and none from the non-attendance of Prosecutors.

* In Jail,	4
On Bail,	5

8. The number of persons in Jail or on Bail on the 31st December last, is noted in the margin.* The actual number of persons in Jail or on Bail is few: the Court however have remarked with much dissatisfaction, that one person, Kuseemoodeen, the late Fouzdary Nazir of Bhauglepore, has been kept on Bail since May 1835, and in confinement since January 1836. This circumstance was not brought to the notice of the Court until the 3d of February 1837, when a report of the case was called for; and on the 31st of March the necessary orders were issued by the Court to the Officiating Commissioner to try the case.

9. One case was pending instituted under Regulation XV. 1824, at the end of the year.

10. Thirty-five persons were confined in default of security for good conduct.

* APPEALS.	
Criminal Trials.	
Preferred,	26
Confirmed,	11
Modified or reversed,	8
Pending,	7
	26
Miscellaneous.	
Preferred,	64
Confirmed,	44
Modified or reversed,	20
	64
* Heinous offences,	3
Petty Ditto,	2
Appeals,	2
Proceedings from other Districts,	5
Miscellaneous cases,	76
	88

11. The number of Appeals preferred from the decisions of the Magistrate in Criminal trials and Miscellaneous cases and the result thereof, is noted in the margin.* This calls for no particular remark.

12. The Criminal business actually pending in this District on the 31st of December last, is noted in the margin.* This statement is considered satisfactory.

13. The Session Judge will be requested to furnish the information called for in the 4th paragraph of the Circular Order of the 7th of October 1836, with the least practicable delay.

JOINT MAGISTRACY OF MONGHYR.

* Acquitted,	358
Convicted,	891
Committed,	69
Died,	1
Sent to the Superintendant of Thuggee at Moorshedabad,	26
Under Trial.	
Jail, 20 / Bail, 23	43
	1388

14. Mr. Lang was in charge of this Joint Magistracy from the 1st of January to the 3d of November, on which date he delivered over charge to Mr. Trotter. Mr. Trotter delivered overcharge to Mr. Cardew on the 28th of December, who continued to officiate as Joint Magistrate until the end of the year.

15. At the close of the year 1835, there were 25 persons under trial; viz. 11 in jail and 14 on bail or personal recognizance. 1,353 persons were apprehended or summoned during the year 1836, making a grand total of 1388; these persons were disposed of in the mode noted in the margin.*

16. The Statement noted in the margin* shews the number of persons apprehended, convicted and acquitted in "heinous crimes," as well as in "petty offences." Among the convictions the Court observe the cases of 230 Chowkedars or Police Officers punished for "neglect of duty," and of 55 persons punished for "resistance of process." They further observe that of the 891 persons convicted during the year, 540 were only subjected to fine; previously therefore to expressing any opinion on the state of this Joint Magistracy, the Court will request that the Officiating Commissioner Mr. Brown will submit an Abstract Statement of the number of persons who have been fined to the amount of 2 rupees and under. The Court apprehend that the Joint Magistrates of Monghyr will be found to have followed the same course of proceedings adopted by Mr. Dunbar at Bhaugulpore,—the number of persons fined being 540, and the amount of the fines realized being only 375 rupees. 44 persons were acquitted in consequence of "Razeenamahs" being filed, but none from the non-attendance of prosecutors.

* Heinous Crimes, ...	332
Apprehended, ...	440
Convicted, ...	232
Acquitted, ...	120
Petty Offences, ...	468
Apprehended, ...	948
Convicted, ...	654
Acquitted, ...	238

17. The number of persons in jail or on bail on the 31st December last, is noted in the margin,* and requires no particular remark.

*In Jail, ...	29
On Bail, ...	21

18. Three cases were pending instituted under Regulation XV. 1824, at the end of the year.

19. Nineteen persons were confined in default of security for good conduct.

20. The number of Appeals preferred from the decisions of the Joint Magistrate in Criminal trials, and Miscellaneous cases, and the result thereof, is noted in the margin.* This statement though not very satisfactory appears to call for no particular remark.

* APPEALS.	
Criminal Trials.	
Preferred, ...	53
Confirmed, ...	29
Modified or reversed,	17
Pending, ...	7
	53
Miscellaneous cases.	
Preferred, ...	64
Confirmed, ...	39
Modified or reversed,	25
	64

21. The Criminal business actually pending in this District on the 31st December last, is noted in the margin.* This return is considered satisfactory.

22. The Session Judge will be requested to furnish the same information regarding the time that Criminal cases are under investigation for Monghyr, as he has already been requested to do for Bhauglepore.

* Heinous offences, ...	8
Petty Ditto, ...	32
Appeals, ...	0
Proceedings from other Districts, ...	0
Miscellaneous cases, ...	91
	131

SESSION JUDGE'S COURT.

23. Mr. Lee Warner was Session Judge of this District for the past year and was employed 73 days in the duties of the Sessions.

24. At the close of the year 1835, two persons remained under trial in the Sessions Court, 135 persons were committed during the year 1836, making a grand total of 137, and they were disposed of, as noted in the margin.* This result is considered to be satisfactory.

* Acquitted, ...	7
Convicted, ...	82
Referred, ...	36
Annulled, ...	11
Died, ...	1
	137

25. No trials were called for at the English sittings.

26. Two Appeals were preferred from the orders of the Session Judge, and in both instances the orders were confirmed.

NIZAMUT ADAWLUT.

* Acquitted, ... 23
Convicted, ... 22

27. Nine persons were under reference at the close of 1835; the number referred in 1836 was 36; making a total of 45; and they were disposed of as noted in the margin.*

28. The Court observe that 21 prisoners were released in one case of Dacoity, referred by Mr. Lee Warner, the Session Judge, in consequence of his not concurring with the Futwa of his Law Officer. The view of the case taken by the Session Judge was confirmed by the decision of this Court. The Court observe that considerable irregularity and misconduct was committed by the Police Darogah in this case; some of the acquitted prisoners appearing to have been detained as long as twenty days in the Mofussil. Considerable neglect appeared also in the proceedings of the Magistrate, Mr. Dunbar, who omitted to have the Mofussil confessions of the prisoners read over to them in his Court, and the evidence of the subscribing witnesses to them taken. These irregularities were duly noticed by the revising Judge.

29. The following is an abstract of the sentences passed on the prisoners convicted in the District of Bhaugulpore during the year 1836:

By the Nizamut Adawlut.

Death, ...	1
Imprisonment for life, ...	14
,, for 10 years, ...	6
,, for 1 year, ...	1
Total ...	22

By the Session Judge.

More than 7 and not exceeding 14 years, ...	30
More than 3 and not exceeding 7 years, ...	35
More than 1 and not exceeding 3 years, ...	12
Less than one, ...	5
Total ...	82

By the Magistrate of Bhaugulpore and his Assistants.

Six months and not exceeding 3 years, ...	122
Less than six months, ...	258

Fined, ...	... 386 *	* Amount of fine,.. 202 Rs.
Security required, ...	... 39	
Total	... 805	

By the Joint Magistrate of Monghyr and his Assistants.

Six months and not exceeding 3 years, ...	... 138	
Less than 6 months, ...	... 151	
Fined, ...	... 540 *	* Amount of fine,.. 375 Rs.
Security required, ...	... 31	
Flogged, ...	... 1	
Total	... 861	

GENERAL REMARKS.

30. The Court feel themselves precluded from recording any opinion regarding the state of the Bhaugulpore District, and Joint Magistracy of Monghyr, until they shall have been furnished with the information which the Commissioner has been requested to supply: at present they are unable to state whether the proportion of convictions to acquittals is creditable or otherwise to the Officers who have been in charge of these Magistracies during the past year.

31. The Court have had every reason to be satisfied with the proceedings of the Session Judge Mr. Lee Warner, and although the Officiating Commissioner has very recently assumed the temporary charge of his Office, he has evidently taken a great deal of trouble in preparing the Statements, and his report evinces that he has devoted considerable attention to this particular branch of his duty.

(True Copies,)

R. MACAN, *Offg. Regr.*

(No. 261.)

To R. D. MANGLES, Esquire,

Secretary to Government in the Judicial Department,

Fort William.

Sir,

I have the honor to request you will lay this letter before the Right Honorable the Governor General in Council, as I am apprehensive, lest I should have incurred the displeasure of Government through a recent report of the Judges of the Sudder Nizamut Adawlut on the Magisterial duties of this District during the past year.

2. Considering the multifarious, heavy and responsible duties I have had to perform the report in question appears on the whole favorable towards me—but through an error the Court have considered the statement shewing the actual amount of business in the Magistrate's office during the year as containing the amount of arrears at the close thereof, and have consequently recommended to the Government that the duties of Magistrate should be separated from those of the Collector.

3. It would give me the deepest concern to incur the displeasure of Government at any time, but more especially towards the close of a long career of duty zealously and actively performed, wherefore I hasten with apologies, to lay my case before Government, and to solicit that judgment may be suspended till the Judges of the Nizamut Adawlut can submit a revised report, for which purpose I will address them this day.

4. The Statement No. 1 herewith submitted, on which the Court have founded their remarks, shewed the actual number of cases pending during the year and amounting to 17,656—whereas the amount of arrears is 217 as shewn in the accompanying Statement No. 2, copy of which will be laid before the Judges of the Nizamut Adawlut.

I have the honor to be,

Sir,

Your most obedient Servant,

J. E. WILKINSON, *Magistrate.*

Tirhoot, Magistrate's Office, the 22d June, 1837.

No. 1.

Abstract Tabular Statement of the Foujdary or Criminal Business brought before the Magistrate from 1st January to 31st December, 1836.

DISTRICT OF TIRHOOT.	Before the Magistrate Mr. J. E. Wilkinson.	Before the Joint Magistrate.	Before the Asst. Mr. J. Wheler.	Before the Principal Sudder Ameen.	Before the Sudder Ameen.	Before the Law Officers.	Total.	REMARKS.
Number of Heinous Offences as per Book, Form 1, Circular Order, 12th April 1811, ...	147	0	64	0	0	0	211	Mr. G. Gough was Officiating Magistrate during Mr. Wilkinson's absence, on leave from 9th December 1835 to 8th February 1836, and delivered over charge of the Office to Mr. J. E. Wilkinson on the 9th February 1836.
Number of Petty Offences as per Book, Form 2, Circular Order of the 12th April 1811, ...	376	0	383	29	0	314	1102	
Number of Appeals, ...	158	0	0	0	0	0	158	
Number of Proceedings held on Requisition of Magistrates of other Zillahs, ...	588	0	0	0	0	0	588	
Number of other Applications and Petitions including every Case actually pending and not included under the above head, ...	15597	0	0	0	0	0	15597	
Total, ...	16866	0	447	29	0	314	17656	

J. E. WILKINSON, *Magistrate.*

Tirhoot, Magistrate's Office, the 22d June, 1837.

No. 2.

Abstract Tabular Statement of the Foujdary or Criminal Business pending in the District of Tirhoot on the 31st December, 1836.

DISTRICT OF TIRHOOT.	Before the Magistrate Mr. J. E. Wilkinson.	Before the Joint Magistrate.	Before the Asst. Mr. J. Wheler.	Before the Principal Sudder Ameen.	Before the Sudder Ameen.	Before the Law Officers.	Total.	REMARKS.
Number of Heinous Offences as per Book, Form 1, Circular Order, 12th April 1811, ...	5	0	2	0	0	0	7	Mr. G. Gough was Officiating Magistrate during Mr. Wilkinson's absence, on leave from 9th December 1835 to 8th February 1836, and delivered over charge of the Office to Mr. J. E. Wilkinson on the 9th February 1836. The above 28 Cases were disposed of in January and February 1837, and also the greater part of the remaining Cases.
Number of Petty Offences as per Book, Form 2, Circular Order of the 12th April 1811, ...	1	0	4	0	0	3	8	
Number of Appeals, ...	13	0	0	0	0	0	13	
Number of Proceedings held on Requisition of Magistrates of other Zillahs, ...	85	0	0	0	0	0	85	
Number of other Applications and Petitions including every Case actually pending and not included under the above head, ...	82	0	10	0	0	12	104	
Total, ...	186	0	16	0	0	15	217	

J. E. WILKINSON, *Magistrate.*

Tirhoot, Magistrate's Office, the 22d June, 1837.

No. 56.

To ROSS D. MANGLES, Esquire,

Secretary to the Govt. of Bengal in the Judicial Department,

Fort William.

Sir,

The Officiating Commissioner, for this Division, in a letter dated the 12th instant, has forwarded to me, copies of paragraphs 3, 4, 5 and 6 of the Resolutions of Government, on his Police Report, for the last six months of 1836. In the latter part of paragraph 4 of these Resolutions, the Officiating Commissioner is called upon to ascertain, whether I considered the 114 persons subjected to petty fines, as innocent, or guilty, of the particular offences, with which they severally stood charged. In order that the Right Hon'ble the Governor may be at once put in possession of my sentiments regarding the guilt or innocence of these individuals, I do myself the honor, to transmit herewith, copies of a letter and statement, submitted by me to the Nizamut Adawlut, in vindication of my conduct, after receiving the heavy censure, passed by the Court in their resolutions, upon Mr. Brown's Police Report.

2. If you will do me the favor to lay these copies, before His Lordship, I trust he will not only see, that there never was a shadow of doubt upon my mind as to the delinquency of the parties punished, but also that Mr. Brown was much mistaken, in supposing, that the delinquents might with propriety have been "simply admonished and released on Mochulka."

I have the honor to be,
Sir,
Your most obedient Servant,
J. DUNBAR,
Late Magistrate of Bhaugulpoor.

Bhaugulpoor, the 22d July, 1837.

No. 21.

To the Register to the Court of Nizamut Adawlut, Fort William.

Sir,

I have the honor to acknowledge the receipt of your letter, No. 1412, under date the 12th ultimo, together with its enclosure being an extract from the Proceedings of the Court, containing the Resolutions passed by them on the Annual Criminal Statements of this District, and the Joint Magistracy of Monghyr for the year 1836.

2. I regret much to find that in these Resolutions, a heavy censure has been passed upon my official conduct; but the known character for justice and impartiality of the Court, I have the honor to address, inspires me with the assurance that the expression of their displeasure will be recalled and my proceedings placed in their true light, if I can show that their reprehension has been built upon unsubstantial grounds.

3. To prove this, I trust, will be no difficult task, and if in doing so, I should make it appear that the reporting officer has led the Court to form opinions and record Resolutions upon insufficient grounds, it will be borne in mind, that this matter has been forced upon me and that I write in defence of my own character.

4. The remarks by the Officiating Commissioner quoted in the margin,* are the ground work upon which the censure of the Court has been made to rest. They involve two errors, one in fact and one in judgment. The first lies in Mr. Brown's assertion that "in many cases persons were fined not as the penalty due to crime, but merely as a caution for the future;" the second in the supposition that any of the whole 114 were fit subjects to be simply admonished and released on moochulka.

* The proportion of convictions to acquittals in 1835, was as 7 to 6, in 1836, as 7 to 1½. It is however, to be observed, that of the number noted as punished during the past year, 114 were sentenced to pay only very trifling fines, (of from two rupees down to four annas each,) and in many cases not as the penalty due to crime, but merely as a caution for the future (buraee ibrut i ayendah.) Had these persons been simply admonished and released on *moochulka*, it would I apprehend have been necessary to enter them under the head of "acquittals."

5. I submit herewith a Statement of all persons fined two rupees or less, during the year 1836 by myself and my Assistants. It gives a greater number than that objected to by Mr. Brown, but it is as well to be on the safe side, and I do not apprehend, that my explanation and defence will be less complete from the circumstance. I challenge Mr. Brown, to produce from the whole of the cases, therein exhibited, a single one, in which a fine was imposed "not as the penalty due to crime but as a caution for the future."* I have marked with the letter A, those cases, in the final roobocarries of which, the words "buraee ibrut i ayendah," or similar expressions are used. They are not many, but two examples will suffice to explain the use of the words, in regard to the whole. Kunhya Lall, the Muhafiz Dufter, neglects so long to furnish a party in Court with the copy of a Document, according to order, that a complaint on the subject is made to me. He admits his fault, and pleads in excuse circumstances which certainly had some weight with me in passing sentence; he was fined one rupee. Again a man named Domun is personally very insolent to Mr. Assistant Bagge, he is fined two rupees. In the record of the first of these cases, the words "buraee ibrut i ayendah" are used, in that of the latter, buraee ibrut "deegaran;" yet it cannot for a moment be doubted, that the penalty is awarded, for the particular offences for which these men were arraigned. All punishment has, or ought to have, more in view than a mere fixed quantity of bodily suffering, or curtailment of the means, or liberty, of the person punished; and the words "buraee ibrut i ayendah" may be taken, as conveying the expression of an expectation, on the part of the officer passing sentence, of a prospective benefit to the party concerned, or to others, from the penalty now awarded to the offence proved. Thus, I find Mr. Lee Warner in his reports of persons punished during the month of February 1836, states that he imprisoned two men named Jugur

* It does not follow because the words "buraee ibrut ayendah" are introduced, that the person must necessarily have been punished, *only as a caution for the future*, and with no reference to any *act committed*.

Modee and Maun Sing, charged with affray, attended with manslaughter and wounding for one year, "for example;"† and in the same way nothing is more common than to hear of persons paying the penalty of their lives, under circumstances and in times demanding such examples for offences, which might otherwise have been atoned for by a moderate term of imprisonment.‡ There was no absolute necessity for the introduction of the words in any single case, disposed of by me, or my subordinates, during the past year, and if the Court deem it proper, of course, the practice will be discontinued.

† The Session Judge, Mr. Lee Warner, remarks—" I have sentenced these 2 last persons, to one year, without labour, for though they have suffered severely, yet I thought it necessary to punish them as an example."

‡ In both these cases, the example, and the effect upon others, is made an especial object, yet the imprisonment and loss of life, are assuredly, awarded to the offence, or crime proved.

5. I confess, I am utterly at a loss to know, upon what plea, or principle of law, Mr. Brown would simply admonish, and release on moochulka, persons proved guilty of the offences, detailed on the accompanying statement. The Court will observe, that nearly the whole of these persons were punished for "assaults," "vexatious complaints," or "neglect of duty." Surely, Mr. Brown would not recommend, that the man who has beat and maltreated his neighbour, should simply be admonished, even although the complainant may have been put to considerable trouble and expence to prove his case. If so, our Courts had better be shut at once against all suitors of this kind. And to what end would mere admonition tend, in cases of neglect of duty? It is not very long, since corporal punishment was inflicted for this offence, (and many Magistrates are still of opinion, that the restoration of that penalty would be of much benefit,) but to let it go unpunished altogether seems to me tantamount to a complete abandonment of all discipline and subordination; and any officer, who has had experience in the mofussil, must be well aware, that upon such a system no district could long remain in good order. It does not seem necessary to enter, into any detail of the other cases in the statement; and I shall therefore content myself with saying, that although the order in each case may be susceptible of modification, according to the ideas, in regard to each offence, of different officers, yet there is not one, in which, according to my judgment, simple admonition and release on moochulka, would have been sufficient.

6. I observe that much credit is awarded to the Officiating Commissioner, Mr. Brown, for having brought my proceedings fully and fairly to the notice of the Court. Nothing has certainly been brought to light, which it was attempted to conceal, nothing of which I have any reason to be ashamed. I think however, to say the least, it would have been but fair to me, if Mr. Brown had stated the number (of the cases to which he objected) disposed of by myself, Mr. Steer, and the two Assistants, and the Pundit respectively; as judging from the Court's Resolutions it might be supposed that the practice of imposing petty fines was restricted to myself. It would have been well too if Mr. Brown had mentioned the grounds upon which he objected to the convictions generally—it may be inferred from his remarks, that he deemed the fines so small as to make it matter of little difference whether they were imposed or not. If he did think so, I differ with him entirely, being of opinion that however small a sum two rupees or even half that sum may appear to those who can count their hundreds or thousands, it is no trifle to the man, who perhaps does not earn more than double the amount in a whole month.

7. Knowing as I do, that the Resolutions of the Court were passed in ignorance of the real state of matters, as regards myself, I shall only remark in reference to the strong tone of reprehension used in the 5th and 6th paragraphs of the extract before me, that it appears to me almost incredible that any Magistrate should be deemed capable of attempting to impose upon the Government, to obtain for himself a character for zeal and exertions which do not exist by imposing petty fines to swell up the number of his convictions; for besides that the opinion of Government is no doubt formed more with reference to the returns for heinous crimes than those for petty or miscellaneous offences, the monthly Statements distinctly point out the proceedings of the Magistrate and his Assistants during the month in regard to these last; in three ways—first, in the detail of miscellaneous offences given at the foot of Statement No. 1; secondly, in the Abstract on the right hand side of the same Statement, where there is a regular entry for persons fined and discharged, and thirdly, in the Persian Mascobar, in which each case is clearly laid down, so that the possibility of fallacious returns is entirely excluded and out of the question.

8. Were returns to be called for by the Court from every District under their authority of petty fines imposed during the year 1836, I apprehend that this mode of punishment will not be found to be confined to Bhaugulpoor. From the letter of the Court before me, I perceive that in Monghyr out of 891 persons convicted 540 were only fined, 230 of them being Police Officers, or Chowkeedars punished for "neglect of duty." This far out-numbers the returns of the same kind from Bhaugulpoor; and I can hardly think, that punishments of this kind have been inflicted only in these two districts. In regard to Mymensing, I cannot now speak, it is so long since I left it; however, confident in the innocence of my own intentions, in all my official acts, I doubt not, I shall be able to give a full explanation, upon any points, regarding which I may be questioned, after the Court shall be in possession of the report, required from the Session Judge of that District, for the year 1835.

9. That it has pleased the Right Hon'ble the Governor of Bengal, to extend his approbation, to my exertions, as a Magistrate, is, I freely admit, matter of much satisfaction to me, but that this approbation has been sought, and obtained, by improper means; or that it has been granted on insufficient grounds, I utterly deny. The supposition is deeply injurious to my character. The absence of all proper moral feeling, the utter disregard of justice, and of the happiness of the people entrusted to my care, and the total want of honesty, and candour, towards the Government, implied in the possibility of my really having so conducted myself, as to deserve the censure recorded by the Court, are repugnant to my feelings as a man, and at variance with my principals, and ideas of right and wrong, as a Christian. Whatever satisfactory results are to be found in the returns from Bhaugulpoor, for the past year, are to be traced, not to a system of reckless imposition of fines, and injustice, but to a strict, and unwaried attention, to the orders of the Court, I am now addressing; and knowing this to be the case, the displeasure of that Court, is the more galling. Some years back, the Court issued circular instructions, parti-

cularly cautioning the Magistrates against recklessly and promiscuously causing the attendance of all persons charged with petty offences without previous proof; or permitting their Police Officers to apprehend and send in individuals without sufficient reason; and pointing out the method adopted by Mr. Walters, then Magistrate of Dacca, to guard against the first of these evils—my attention was strenuously given to the subject, for I was well aware, that much injustice was committed by the indiscriminate apprehension of the guilty and the innocent. I frequently directed my Assistants, both European and Native, to pay very particular attention to this matter; and I took every means of impressing upon my Police, the necessity of distinguishing between persons against whom there was actual proof or strong presumption of guilt; and those who were merely suspected by the Prosecutor or implicated by the real criminals through ill-will. By these means I trust I have saved many a poor creature from much unnecessary hardship, and to these means and such other measures as the Law authorized me to employ, is to be attributed whatever amelioration in the state of criminal justice may have been apparent in this District during the year 1836.

10. Could the voice of the people be taken, I feel sure, I might safely call upon those over whom I was placed in authority during the past year, to say whether I have not done my utmost to suppress* crime and promote their happiness; and were I to appeal to one of the Judges of the Court itself; to whom I was lately immediately subordinate at this station; I feel confident he would vindicate my character, for although absent on sick leave during the greater part of 1836, Mr. Harding is ever watchful of the conduct of those accountable to him; and he was not without opportunities of forming an opinion of me. But I will not trespass further on the time and attention of the Court, to whom this explanation should have been rendered at an earlier date, had I not been suffering from fever of late; a circumstance which must plead my excuse for errors or omissions as I write this from my sick couch.

* Take as an instance the decrease of Dacoity, a description of crime, which no Police can conceal when the Commissioner and Magistrate are at all active or attentive to their duty.

	Dacoities.
1834	14
1835	12*
1836	3

* Of these ten occurred previous to my taking charge of the District.

11. Should the Court's Resolutions have been communicated to Government, I trust a copy of this letter or whatever explanation they may deem fit will be sent up also. I beg you will do me the favor to bring this letter before the Court as early as possible, as I cannot rest satisfied till relieved of the imputations cast upon my character, an act of justice which after this explanation I am sure the Court will not deny. That they may have many Magistrates under them possessed of much greater talent and ability than myself, I would not be vain enough to deny, but I can lay my hand upon my heart and declare solemnly, that I do not think they have one who is more anxious to do his duty to the entire satisfaction of the superior Court; or who takes a more sincere and kindly interest in the happiness and well being of the native population.

12. I shall feel obliged by your communicating to me the result of the further deliberations of the Court, at your earliest convenience.

I have, &c.

(Signed) J. DUNBAR, *Offg. Session Judge.*

Bhaugulpoor, Session Judge's Office, the 12th June, 1837.

True Copy,

J. DUNBAR, *Offg. Session Judge.*

Statement shewing the number of persons sentenced to pay a fine of Two Rupees or less for Petty Offences, during the year 1836, by the Magistrate and his Assistants.

In what Month.	*Names of persons Fined.*	*No. of persons.*	*Offence for which they were Fined.*	*Amount of Fine.*	REMARKS.
1836. January,	Hingun, (Peeada,) ...	1	Permitting a prisoner under his charge to escape,	1 0 0	In this case the Peeada, whose expences were paid by the Prosecutor, allowed the individual, whom he had apprehended, to escape,—he was fined one rupee.
	Kunnyalal, (Muhafiz Dufter,)	1	Neglect of duty and disobedience of orders,	1 0 0	The copy of a Petition had been applied for, by a party in Court, and the usual order to grant it passed. Notwithstanding the lapse of a considerable time, the Muhafiz failed to get it ready, and a complaint was made to me, on the subject. As the Muhafiz had been in a very bad state of health, during the interval, and as I knew the emissaries of his predecessor (who had been suspended) to be at work to do him harm, I fined him a much smaller amount than I should otherwise have done.
	Chundoo, Basoo, and Soorja, (Chuprassies,)	3	Neglect of, and absence from duty without leave,	6 0 0	These men were Chuprassies on the establishment, and absented themselves for several days, without leave. They fully admitted their fault, and were fined accordingly two rupees each.

February,	Dhurm Roy, Mehr Ulee, and Bhinkoo, (Chowkeedars,)	3	Neglect of duty,.....	0	12	0	These men who are Chowkeedars in the Town, were reported absent from duty by the Darogah, evidence was taken, and the Chowkeedars admitting their offence, promised better behaviour in future—they were fined four annas each, with a warning that a further instance of such neglect, would subject them to a dismissal.
	Rungoo, (Burkundaz,)	1	Neglect of duty and absence without leave,	2	0	0	The charge against the Burkundaz was established, by the report of the Darogah, and on his own admission.
	Gopal Roy, (Mohurer,)	1	Neglect and carelessness in the preparation of statements,	2	0	0	The statement for the preceding month, were returned by the Commissioner incorrect, and as the errors were the result of carelessness, on the part of this Mohurer, he was fined two rupees.
March,	Soonee Ram, (Pasban,)	1	Maliciously and falsely reporting a theft,	1	0	0	The Pasban reported at the Thana, that a bullock belonging to a certain individual, had been stolen, but as it appears from the deposition of this individual himself, and of the Pasban of the Mohulla, as also from the enquiry of the Darogah, that no theft had occurred and that Soonee Ram had given false information, merely with a view of annoying and bringing into trouble another Pasban, by name Sustoo, he was punished by fine, and cautioned against such conduct in future.

In what Month.	Names of persons Fined.	No. of persons.	Offence for which they were Fined.	Amount of Fine.	REMARKS.
1836. April,	Ukber Alee, (Peeada,)	1	Vexatious and unfounded complaint,	2 0 0	This man is a Peon of the Collector's office, and there brought a charge of resistance of process against one Domun, the case was sent to the Magistrate by the Collector, and turned out to be wholly unfounded. The Peon absconded, and I addressed a Roobcairy to the Collector, requesting him to levy the fine imposed, and recommending his dismissal from Government employ.
	Baboo Ram, (Peeada,)	1	Improperly and illegally appropriating a Lawaris Lota,	0 8 0	The Lota was found in a well, at Peealapoor, and although it was Lawaris, and therefore required to be advertised with a view to its being claimed by the true owner, the Peeada refused to give it up. As he was intoxicated at the time, the Darogah placed him under charge of another man till he should get sober, he gave the man the slip, however, and decamped, taking the Lota with him. I accordingly made him give up the Lota, (which he said he took, because he had lost his own in the well) and fined him eight annas, cautioning him against such conduct in future. —A.

	Domun Khan, and Buhadoor Sing, (Burkundazes,)	2	Squabbling together and creating a tumult in the streets,	2	0	0	The Town Darogah reported these two men; from the evidence it appeared, that they had been disturbing the peace, by fighting and abusing each other, in the middle of the street. As they seemed to be equally in fault, they were fined each one rupee.
	Tumeezoodeen,(Acting Nazir,)	1	Neglect of duty, ...	1	0	0	The Acting Nazir neglected to report a Burkundaz, who had come in with the Thana Books, and long overstaid his time, notwithstanding positive orders on the subject, he acknowledged his fault, was fined one rupee, and told to be more careful in future.
	Bungroo, (Kobee,) ...	1	Forcibly and illegally pulling down the house of another,	2	0	0	Bungroo admitted having forcibly pulled down the house of the Prosecutor; he was directed to make good the value of it, viz. three rupees, and fined two rupees for the offence.
June,	Bechoo and Boodhoo Khan,	2	Culpable neglect and carelessness on their part, whereby a life was lost,	4	0	0	From the evidence taken before the Court, it appeared, that these men and another young man named Bhuttoo went to bathe together in the river, and that notwithstanding that they knew the deceased could not swim, they pulled him into deep water, in which he was unfortunately drowned. Although it was evident, they had no design on the life of the deceased, yet I deemed it proper to mark the disapprobation of the Court of their conduct, in thus wantonly and carelessly having led to the loss of a life. I therefore

In what Month.	*Names of persons Fined.*	*No. of persons.*	*Offence for which they were Fined.*	*Amount of Fine.*	REMARKS.
					subjected them to a fine of two rupees each. The case having been reported by the Police as a murder, I sent a copy of my proceedings to the Commissioner, who of course would have amended or reversed my order if he thought it wrong.—A.
1836. July,	Gangoo, (Chowkeedar,)	1	Assault and intoxication, ...	1 0 0	This man was reported by the Darogah of the town, as having got drunk and creating a disturbance and quarrelling with a woman of the town (who complained of being beaten by him,)—he was fined and cautioned against like conduct in future.
August,	Karoo (Burkundaz,) ...	1	Causing the Complainant to be beaten, ...	2 0 0	Karoo Burkundaz while on duty directed several other persons to beat the Complainant because he said he had spoken to some persons under his charge; he was fined and removed to another Thanah.
Sept.	Dilsook, (Burkundaz,)	1	Insolence to his superior officer and disobedience of orders,	2 0 0	Dilsook Burkundaz refused to take his turn of duty when ordered to do so by the Jemadar and abused him; he was fined and removed to another Thanah.

Nov.	Teelokee Sing, (Burkundaz,)	1	Neglect of duty,.....	2 0 0	Teelokee Sing was directed to escort a prisoner, (a notorious bad character,) in full health, to a gang at work on the Karogola road. Shortly after starting, he permitted the prisoner to hire a Hackery and two bullocks, and thus they rode together till stopped by the Darogah of Pointee, who reported the matter.
Dec.	Julloo Ram, Dyal, Kuloos, and Nowruttun, (Chowkeedars,)	4	Neglect of duty,.....	2 0 0	These four Chowkeedars were found guilty of neglect in the discharge of their duty, and fined each eight annas.
	Total, ...	27			
			By the Joint Magistrate Mr. C. Steer.		
1836. March,	Jhubhun, ...	1	Neglect of duty and absence without leave,	1 0 0	Neglect and absence proved, fined accordingly. —A.
May,	Aulum and Karoo Roy, (Burkundazes,)	2	Neglect of duty and drunkenness,	2 0 0	It appeared from the report of the Darogah and the deposition of several Burkundazes taken by him, that these men got drunk and made themselves very noisy and very disagreeable in the guard room, retching in it so as to render it almost impossible for any one to remain there.

In what Month.	Names of persons Fined.	No. of persons.	Offences for which they were Fined.	Amount of Fines.	Remarks.
1836. June,	Ramdyal Bose, Bageerut, Soopun, Shunkurdutt and Hureehur Missr,	5	Neglect of duty,.....	10 0 0	These men are mofussil Dawk Mohurers and having shewn great neglect in forwarding the Thana Dawks, they were fined each two rupees.
	Peer Ulee, (Burkundaz,)	1	Permitting a prisoner to escape,	1 0 0	It is not proved that Peer Ulee had connived at the escape of the prisoner, but as he was guilty of great neglect in taking no precaution to provide against such a contingency he was fined.
	Jeewun, (Pasban,).....	1	Neglect of duty,.....	1 0 0	The nuthee mislaid—probably attached to some other nuthee.
	Ootim and Soudo, (Chowkeedars,)	2	Ditto, ...	2 0 0	Neglect admitted by the Chowkeedars; fined one rupee each.
	Mudun Takoor, ...	1	Assault, ...	1 0 0	Mudun Takoor admitted the charge, the fine mitigated in consideration of his having had great provocation.
	Laul Muhomud, (Mohurer,)	1	Neglect of duty, ...	2 0 0	Fined for neglect and carelessness in his public reports.

Sept.	Poosun and Deendyal, (Grasscutters,)	2	Destroying Indigo, ...	4	0	0	These men in cutting grass, from amongst Indigo, did it the injury of which the proprietor complained, and were accordingly fined two rupees each.
	Joyram, ...	1	Unfounded and vexatious complaint,	2	0	0	Proved and fined.
	Jugurnath, Bhyro, Budree, Bheeka, Subaba and Maghoo,	6	Assault, ...	12	0	0	Proved; fined two rupees each.
	Laloo, Choolare and Mungur,	3	Absence without leave and neglect of duty,	3	0	0	These men are Dak runners, their offence was proved, and they were fined each one rupee.
Oct.	Jowrah, (Chuprasee,)	1	Neglect and absence from duty without leave,	2	0	0	Proved.
Dec.	Roopa, Banee and Dabee,	3	Neglect of duty, ...	3	0	0	These are three Chowkeedars—they were fined one rupee each.
	Bhatoo, (Pasban,).....	1	Permitting a prisoner to escape,	2	0	0	Proved.
	Total, ...	31					
			By Mr. Henry Bogge, Assistant				
April,	Moteeoolla and Posun,	2	Assault, ...	4	0	0	Proved; fined two rupees each.

In what Month.	*Names of persons Fined.*	*No. of persons.*	*Offence for which they were Fined.*	*Amount of Fine.*	REMARKS.
1836. April,	Bhattoo, Goordyal, Mullick, Ramdyal, Gonghun, Harree, Gungoo and Khyratee,	8	Neglect of duty,.....	16 0 0	These men are all Chowkeedars in the Town, and notwithstanding repeated orders, neglected their duty, and were accordingly fined two rupees each.
May,	Soodhan, Booma and Ricksoo,	3	Assault, ...	6 0 0	Proved; fined two rupees each.
June,	Khadoo and Boodoo,	2	Ditto, ...	2 0 0	Ditto; ditto one rupee each.
	Birjlal, ...	1	Ditto, ...	1 0 0	Ditto; ditto ditto.
	Lagun and Magoo, ...	2	Ditto, ...	1 0 0	Ditto; fined eight annas each.
	Sunkur Missr, ...	1	Ditto, ...	1 0 0	Proved.
July,	Khyratee, ...	1	Ditto, ...	1 0 0	Ditto.
	Mangun, ...	1	Ditto, ...	1 0 0	Ditto.
August,	Assa and Khunhya, ...	2	Ditto, ...	2 0 0	Ditto; fined one rupee each.
	Tooree, ...	1	Ditto, ...	0 8 0	Proved.

	Zuootheea, ...	1	Abusive language, ...	1	0	0	Proved.
	Mangoo, ...	1	Ditto, ...	1	0	0	Ditto.
	Keerut, ...	1	Assault, ...	1	0	0	Ditto.
	Domun, ...	1	Insolence and contempt of Court,	2	0	0	Ditto.—A.
Sept.	Nundoolall, Gocooland Munoruth, ...	3	Neglect of duty, ...	0	12	0	Proved,—fined four annas each,—these men are Chowkeedars.
	Mullick and Simbhoo Jha,	2	Ditto, ...	1	0	0	Ditto,—ditto eight annas—ditto ditto.
Oct.	Hingun, Boodhoo and Gonghun,	3	Ditto, ...	2	0	0	These are Chowkeedars, and neglected to report a Theft. Hingun fined one rupee, the others eight annas each.
	Seebdut, ...	1	Vexatious and unfounded complaint,	2	0	0	Proved.
Nov.	Kunhya Sing, ...	1	Assault, ...	2	0	0	Ditto.
	Dewanee Mundur, ...	1	Ditto, ...	2	0	0	Ditto.

In what Month.	*Names of persons Fined.*	*No. of persons.*	*Offence for which they were Fined.*	*Amount of Fine.*	REMARKS.
1836.					
Nov.	Khedoo Momin, ...	1	Breaking down a land mark and abusive language,	2 0 0	Proved.
	Gurbhoo, ...	1	Assault, ...	2 0 0	Ditto.
	Chundoo and Bungroo,	2	Ditto, ...	2 0 0	Ditto; fined one rupee each.
Dec.	Muddoo Dhanook, ...	1	Ditto, ...	1 0 0	Ditto.
	Bhoosun, Gunesh and Jhotee,	3	Ditto, ...	6 0 0	Ditto; fined two rupees each.
	Parusnath, ...	1	Vexatious complaint,.....	1 0 0	Ditto.
	Bhuttoo Tewary, ...	1	Assault, ...	2 0 0	Ditto.
	Golam Nubee, ...	1	Ditto, ...	1 0 0	Ditto.
	Chuckun, ...	1	Ditto, ...	1 0 0	Ditto.
	Doorga Chowdry,.....	1	Ditto, ...	1 0 0	Nuthee mislaid—(since found;) proved.
	Total, ...	52			

		By Mr. E. Monckton, Assistant.			
August.	Basoo, ...	1	Neglect of duty,.....	2 0 0	Proved.
Nov.	Nonuckpershad, (Burkundaz,)	1	Ditto, ...	1 0 0	Ditto.—A.
	Total, ...	2			
			By the Pundit.		
Jan.	Guneshee and Bhola,	2	Forcibly carrying away a Goat,	2 0 0	Proved; fined one rupee each.
Feb.	Khedoo and Emambux, (Burkundazes,)	2	Neglect of duty,.....	3 0 0	Ditto; fined each one rupee eight annas.—A.
March,	Seeta Momin, ...	1	Assault, ...	2 0 0	Ditto.
	Beesoo Neudaf, ...	1	Vexatious and unfounded complaint,	2 0 0	Ditto.
	Total ...	6			

ABSTRACT.

	No. of persons fined.	Amount of fines.
By the Magistrate Mr. J. Dunbar, ...	27	32 4 0
„ „ Joint Magistrate Mr. C. Steer, ...	31	48 0 0
„ Mr. Assistant Bogge, ...	52	69 4 0
„ Mr. Assistant Monckton, ...	2	3 0 0
„ the Pundit, ...	6	9 0 0
Grand Total ...	118	161 8 0

(Signed) J. DUNBAR, *Offg. Session Judge.*

True Copy,

Offg. Session Judge.

Bhaugulpore, Session Judge's Office, the 12th June, 1837.

No. 334.

To R. D. MANGLES, Esq.

Secretary to the Government of Bengal, Judicial Department,
FORT WILLIAM.

SIR,

I have the honor to acknowledge the receipt of your letter No. 673, dated the 20th ultimo, communicating the orders of Government upon the Police report for the last half of 1836, and to reply as follows.

2. The quotation alluded to in the 4th paragraph of your letter, as being an extract from my report on Criminal Justice has not been fairly given; for it will be seen, from the transcript of the whole paragraph in the margin,* that I went on to observe that even after making every deduction the result was "very creditable to the administration of the Magistrate, Mr. Dunbar."

* "The proportions of convictions to acquittals in 1835 was as 7 to 6, in 1836 as 7 to 1¼. It is however to be observed that of the number noted as punished during the past year, 114 were sentenced to pay only very trifling fines, (of from rupees 2 down to annas 4 each,) and in many cases not as the penalty due to crime, but merely as a caution for the future, (buraee ibrut-i-ayendah.) Had these persons been simply admonished, and released on *Moochulka*, it would I apprehend, have been necessary to enter them under the head of acquitted. Though even were this done, the proportion of convicted to acquitted would be as 7 to 2⅓ nearly; a result very creditable to the administration of the Magistrate, Mr. Dunbar."

3. In explaining why the circumstance stated by me to the Sudder Nizamut was not alluded to as qualifying the commendation contained in my Police report, I need hardly remark that the two will scarcely bear comparison; since the one had reference to the cases disposed of by the Magistrate during the *whole* of the year 1836, whereas the other only embraced *half* that period. The instances in which persons were fined rupees 2 and downwards, "*merely as a caution for the future*," all occurred during the *first* half of the year and therefore could find no place in my report on the *latter* half.

4. Moreover in making my report to the Nizamut Adawlut I expressly guarded against (vide margin*) any undue importance being attached to my conclusions, formed as they were from the mere inspection of the Magistrate's Tabular Statements. I also pointed out that owing to the very inadequate means of information at my command a report on Criminal Justice from me must of necessity be extremely defective and unsatisfactory; and that the Session Judges (to whom all Appeals from the Magistrate's decisions, as well as all cases of commitment, were now transferred) were far better qualified to form a correct estimate on the points alluded to; and I therefore suggested the propriety of their being called upon for their sentiments.

* "The Court are aware that I have very recently assumed the temporary charge of this office. In consequence also of the whole of the Fouzdarry duties having been transferred to the Session Judges I have had no means of ascertaining the general condition of Criminal Justice in the districts of this division, excepting what may be gathered from the statements furnished by the Magistrates and herewith submitted. From these statements however it is impossible for me to discover whether the magistrates have exercised a wholesome controul over the proceedings held by the Thanadars, or whether their own investigation of cases has been conducted in a careful or superficial manner; whether the witnesses for the defence as well as the prosecution have been examined; and whether the rules respecting the confession of prisoners have been strictly enforced. Neither can I form any opinion as to how far persons apprehended by the Police have been convicted by the Magistrate hastily and on insufficient grounds; or how far their release is attributable to their innocence, or to want of evidence, or to imperfect investigation, or to defect in the Law. These are all matters of vital importance to the due administration of Criminal Justice; but regarding which I have no means of forming any judgment from a mere inspection of the Magistrate's Tabular Statements. To discover the real merits of any one case from such maigre resources is impracticable; how much more so to arrive at any just conclusion respecting the general efficiency of the administration of Justice."

5. As a proof of the insufficiency of the information afforded by the Magistrate's Monthly Reports, I need only state that on examining the cases in which persons were entered as having been punished with slight fines "as a caution for the future" (as directed in your letter) I find that, except in two instances, the words are not used in the *Proceedings*, but only in the Monthly *Statement*. In both these instances and generally in others the crime was said to have been proved; but in one case nothing is recorded as to proof, and in two other orders have been passed on the Thannah papers without enquiry. The whole of the cases were decided by Mr. Steer.

6. But although the facts which formed the groundwork of my remarks to the Suddur Court were, confessedly derived from the mere inspection of the Magistrate's Tabular Statements, and therefore deserving only proportionate consideration; yet the circumstances detailed in my Police Report to Government, I should imagine, abundantly prove that Mr. Dunbar's Returns have in some degree been framed on data calculated to mislead, and that implicit reliance cannot therefore be placed on them. This has been distinctly stated in paragraphs 24 and 32 of my Report; and if the cases noted in the margin* be taken into consideration, it would be seen that there were 360 instead of 265 crimes committed; and that the number of computed criminals was 1071 instead of only 632; which will of course greatly affect the comparison between the number concerned and the number apprehended. The favorable proportion however of acquitted to condemned would remain the same; and I am very ready to admit that even had the cases above alluded to been entered in the Statement the result though less plausible, would still have been highly creditable to Mr. Dunbar.

	Cases.	*Criminals.*
* Burglaries not enquired into noted in para. 9, ...	45	.. 90
Thefts do. do. noted in para. 13, ...	49	.. 49
Mr. Macarthur's case noted in para 22, ...	1	.. 150
Mr Freeman's case noted in para. 146, ...	0	.. 200
	95	.. 489

7. With reference to the remarks contained in paragraph 7 of your letter I beg to observe, that in my commendation of Mr. Steer I did not go to the extent of saying that he had "efficiently" performed the arduous and responsible duties assigned to him; for as shewn by me in more instances than one he appeared to have conducted the investigation of cases in a very superficial manner, and this I attributed to his having had duties of too laborious a nature to perform to admit of his discharging them in an efficient manner, and that "but for his assiduity and the dispatch with which he transacts business he could not have got through them at all."

I have the honor to be,

Sir,

Your most obedient Servant,

GEO. F. BROWN,

Offg. Commr. of Circuit.

Commissioner's Office, 12th Division, Bhaugulpore, the 19th July, 1837.

No. 39.

To R. D. MANGLES, Esquire,

Secretary to the Government of Bengal, Judicial Department,

Fort William.

Judicial.

Sir,

With reference to the 13th and 14th paras. of the Resolution of the Sudder Nizamut Adawlut, dated the 28th of April, on the Criminal Returns from the Chittagong District for 1836, which are, I apprehend, now before the Government, I have the honor to submit copy of a letter* which I have this day addressed to the Sudder Nizamut Adawlut, satisfied, that the Right Hon'ble the Governor of Bengal will perceive, that in the case alluded to by the Court, there was nothing left undone on my part as Commissioner of Circuit, and that no Revenue functions interfered with my performance of the Criminal duties entrusted to me.

* No. 15.

2. With reference to the propositions of the Court to separate the offices of Magistrate and Collector, I beg to submit my most decided opinion, that it is absolutely necessary, from the turbulent character and temper of the people here, for the Officer in charge of the Measurements to have it in his power to assume the Criminal and Police charges of the Thannahs in which that operation is taking place, for the purpose of awing the people, and preventing any recurrence of scenes like those which nearly cost Mr. Harvey his life in the past season.

3. When the measurement is concluded, or if any means should be taken to place Mr. Harvey here as Commissioner and Superintendant of Police; with the control of the Measurement and Settlement also, I think the separation of the two offices of Collector and Magistrate would be advisable; but, under the present arrangements, such a measure would tend to violent disturbances and outrages against the Revenue Authorities when scattered over a wide space of country, and the separate Magistrate would have to protect by his presence the Revenue Officers in the execution of their legal duty from the violence of a bigotted and misled mob.

I have the honor to be,

Sir,

Your very obedient Servant,

W. DAMPIER, *Commr. 16th Division.*

Commissioner's Office, Chittagong, the 14th June, 1837.

No. 15.

To R. MACAN, Esquire,

Offg. Register to the Sudder Nizamut Adawlut,

Fort William.

Sir,

I have the honor to acknowledge the receipt of Mr. Reid's letter of the 28th April, No. 1546, with its enclosure, which reached me this morning, and with reference to the remarks of the Sudder Nizamut Adawlut in the 13th and 14th paragraphs of their Resolutions transmitted to me therewith, I beg to submit to them an extract from my Police Report for the last six months of 1835, relative to the conduct of the Joint Magistrate in the investigation of the aggravated case of Dacoity alluded to by them, and an extract from the orders of Government on that Report.

The Dacoity occurring in 1835 was included in my Police Report for that year, but being tried by the Judge in 1836, came under the Criminal Justice Returns of the past year.

2. The Court will perceive that my Revenue avocations did not interfere with the control of the Police and Criminal duties entrusted to me in this instance, and that I duly brought to the notice of the Government the want of energy evinced by my subordinate officer in such an important case.

3. With reference to the remarks of the Session Judge, I beg to state that the *village* of Gucha Churree is a Mugh parah, situated in the hills, consisting at most of five or six houses, and not as the wording of the Judge's report would lead the Court to believe, a populous town. The Dacoity in question was committed by a large band of armed Mughs, and the inhabitants of that parah were suspected of being accomplices, and the detention of them for a few days was necessary. The Judge should, in my opinion, have sent a copy of his remarks to this office or that of the Magistrate, for the purpose of enquiries being made as to the illegal detention of any person ; but since he did not adopt this course and no complaints were preferred to the Magistrate at the time, no investigation into the truth or falsehood of the exparte evidence given before him could take place. At any rate, the Court will perceive, that the detention of a few Mugh inhabitants of a petty parah could not have been taken into consideration, when reporting on the apprehension of the whole District ; and such a single occurrence would not have justified me in stating that harassing and needless apprehensions prevailed.

4. I shall consider it my duty to submit a copy of this letter to the Government of Bengal.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed) W. DAMPIER, *Commr. of 16th Division.*

Commissioner's Office, Chittagong, the 14th June, 1837.

True Copy,

F. J. A. ELSON, *Un. Asst. to the Commr. 16th Division.*

No. 2938.

To R. D. MANGLES, Esquire,

Secretary to the Government of Bengal, in the Judicial Department.

Nizamut Adawlut.
PRESENT.
R. H. Rattray, W. Braddon, *Judges*, D. C. Smyth, *Tempy. Judge*, J. R. Hutchinson, *Offg. Judge*, and J. F. M. Reid, *Offg. Tempy. Judge*, Esquires.

SIR,

In continuation of my letter of the 9th June last, I am directed by the Court to forward to you, for the purpose of being laid before the Right Honorable the Governor of Bengal, the annual Statements agreeably to the annexed list marked A, connected with the administration of Criminal Justice in the Divisions of Arracan, Assam, Gowalparah, the Tenasserim Provinces and Hazareebaugh for the year 1836, together with copies of the Resolutions recorded by the Court.

I am, Sir,

Your obedient humble Servant,

PIERCE TAYLOR, *Deputy Register.*

Fort William, the 29th Sept. 1837.

LIST A.

Statement No. 1.

Hazareebaugh.
Manbhoom.
Lohardagga.
Arracan Division.
Aeng in Arracan.
Ramree.
Sandoway.
Akyab.
Gowalparah Division.
Gowalparah.
Kamroop.
Nowgong.
Durrung.
Tenasserim Province.
Amherst.
Mergue.
Tavoy.

Statement No. 11.

Hazareebaugh.
Arracan.
Gowalparah.

Statement No. 12.

Hazareebaugh.
Arracan Division.
Aeng.
Ramree.
Sandoway.
Akyab.
Tenasserim Provinces.
Amherst.
Mergue.
Tavoy.
Gowalparah Division.
Gowalparah.

Statement No. 14.

Arracan Division.
Aeng.
Sandoway.
Akyab.
Tenasserim Provinces.
Amherst.
Mergue.
Tavoy.
Gowalparah.

Statement No. 15.

Hazareebaugh.
Arracan Division.
Ramree.
Sandoway.
Akyab.
Aeng.
Tenasserim Provinces.
Amherst.
Mergue.
Tavoy.
Gowalparah.

Statement No. 17.

Hazareebaugh.
Arracan.
Gowalparah.
Kamroop.
Durrung.
Nowgong.

Abstract Statement of Prisoners punished without reference to the Nizamut Adawlut.

Durrung.
Kamroop.
Nowgong.

HAZAREEBAUGH.

Captain L. Bird, Principal Assistant to the Governor General's Agent, had charge of this District during the past year.

At the close of the year 1835, there were 5 persons under trial, viz. 4 in jail and 1 on bail; 782 persons were apprehended or summoned during the year 1836, making a grand total of 787; and these persons were disposed of in the mode indicated in the margin* The proportion of acquittals to convictions cannot be considered by the Court to be very satisfactory.

* Acquitted, ...		396
Convicted, ...		330
Committed, ...		31
Died, ...		5
Under Trial.		
Jail, ...	25	25
Bail, ...	0	
		787

The number of persons in jail, on the 31st December last, is noted in the margin;* and requires no particular remark.

* In Jail, ... 25

No suits instituted under Regulation XV. 1824, were pending at the close of the past year.

No person was confined in this District on default of security for good conduct at the close of 1836.

No Appeals from the decisions of the Principal Assistant appear to have been preferred in Criminal Trials—the Statement of Appeals in Miscellaneous cases, and the result thereof is given in the margin,* and requires no particular remark.

* APPEALS.

Miscellaneous Cases.	
Preferred, ...	17
Confirmed, ... 9	
Modified or reversed, 4	
Referred for re-trial, 3	
Pending, ... 1	
	17

The Criminal business, actually pending in this District at the end of the past year, is noted in the margin.* The number of Heinous Offences pending appears to the Court to be large, and the Governor General's Agent, Captain Wilkinson, will be requested to direct the attention of the Principal Assistant to their early disposal.

* Heinous offences, ...	92
Petty Ditto, ...	29
Appeals, ...	0
Proceedings from other Districts, ...	1
Miscellaneous Cases, ..	89
	211

MANBHOOM MAGISTRATE'S COURT.

Lieutenant J. Harington was in charge of this Division for the whole year.

* Acquitted,	476
Convicted,	488
Committed,	46
Died,	11
Transferred to other Districts,	11
Under Trial.	
Jail, 24 / Bail, 36	60
	1092

At the close of the year 1835 there were 54 persons under trial, viz. 33 in jail and 21 on bail; 1038 persons were apprehended or summoned during the past year, making a grand total of 1092; and these persons were disposed of in the manner noted in the margin.* The proportion of convictions to acquittals in this Division is more favorable than in Hazareebaugh.

* In Jail,	24
On Bail,	36

The number of persons in jail and on bail on the 31st of December last is noted in the margin,* and requires no particular remark.

No cases were pending in this District under Regulation XV. 1824, during the past year.

Five persons were confined on the 31st of December last, on default of security for good conduct.

* Appeals.	
Miscellaneous Cases.	
Preferred,	24
Confirmed,	18
Modified or reversed,	4
Referred for re-trial,	1
Pending,	1
	24

There was no Appeal from the decision of the Magistrate in Criminal trials—the number of Appeals in Miscellaneous cases, and the result thereof, is noted in the margin.* The Court observe with satisfaction that a very small number of the Magistrate's orders have been modified or reversed.

* Heinous offences,	47
Petty Ditto,	14
Appeals,	0
Proceedings from other Districts,	2
Miscellaneous Cases,	80
Total	143

The Criminal business actually pending in this Division at the end of the past year is noted in the margin,* and calls for no remarks.

LOHURDAGGA MAGISTRATE'S COURT.

Mr. John Davidson was in charge of this Division for the whole of the past year.

* Acquitted,	340
Convicted,	332
Committed,	106
Died,	4
Under Trial.	
Jail, 23 / Bail, 2	25
	807

At the close of the year 1835, there were 40 persons under trial, viz. 36 in jail and 4 on bail; 767 persons were apprehended or summoned during the year 1836, making a grand total of 807; and these persons were disposed of in the mode noted in the margin.* Adverting to the number of persons committed for trial, the general result is more favorable than in either Hazareebaugh or Manbhoom.

* In Jail,	23
On Bail,	2

The number of persons in jail and on bail on the 31st December last, is noted in the margin,* and requires no remark.

No cases were pending in this District under Regulation XV. 1824, at the end of the past year.

Four persons were confined in this Division on the 31st of December last, on default of security for good conduct.

* Appeals.	
Miscellaneous Cases.	
Referred,	17
Confirmed,	11
Modified or reversed,	4
Pending,	2
	17

No Appeals were preferred from the decisions of the Magistrate in Criminal cases; the number of Appeals in Miscellaneous cases, and the result thereof is noted in the margin.* It is satisfactory to the Court to observe that a very small number of the Magistrate's orders have been modified or reversed.

The Criminal business actually pending in the Division at the end of the past year is noted in the margin.* This Statement is considered by the Court to be satisfactory.

*Heinous offences, ...	8
Petty ditto, ...	86
Appeals, ...	0
Proceedings from other Districts, ...	0
Miscellaneous Cases, ..	0
	94

SESSION JUDGE'S COURT.

Captain Wilkinson, Agent to the Governor General, exercised the powers of Session Judge within these three Districts during the past year, the number of days devoted by him to these duties was 55.

At the close of the year 1835, there were 19 persons under trial in the Sessions Court, 142 persons were committed during the year 1836, making a grand total of 161, and these persons were disposed of in the mode noted in the margin.* The result of the commitments is not considered to be satisfactory, and shews that several commitments must have been made on insufficient grounds.

* Acquitted,.....	41
Convicted, ...	47
Died, ...	13
Referred, ...	37
Under trial, ...	23
	161

The total number of persons committed to the Sessions appears from the Abstract of Statement No. 1, submitted by the Principal Assistants of the three Divisions to have been 183, whereas the Abstract of Statement No. 12, submitted by the Governor General's Agent, shews that 142 persons only were committed during the past year; this discrepancy appears to have arisen from the Principal Assistants having included in the number of cases committed to the Sessions, those on which sentences were passed by themselves and referred to the Agent for confirmation; such cases in future must be included in column 11 of Statement No. 1, leaving in column 12 those cases only which are committed to the Agent for trial. The Governor General's Agent will also be requested to ascertain carefully that the totals of column 12, Statement No. 1, correspond with column 4 of Statement No. 12.

No trials were called for at the English Sittings under Section 9, Regulation V. 1831, and no Appeals were preferred from the Governor General's Agent during the past year.

COURT OF NIZAMUT ADAWLUT.

No prisoners were under reference to this Court at the close of the year 1835. The number referred in 1836 was 38, and they were disposed of as noted in the margin.* Column 9 of Statement No. 12, forwarded by the Governor General's Agent shews that 37 prisoners only were referred to the Nizamut Adawlut, the Register referred trials however gives 38. Captain Wilkinson will have the goodness to explain this discrepancy.

* Acquitted,.....	2
Convicted, ...	36

The following is an Abstract of the sentences passed on the prisoners convicted in these Divisions during the year 1836.

By the Nizamut Adawlut.

Death, - - - - - -	6
Imprisonment for life, - - -	11

Imprisonment for 14 years,	- - -	9
,, 7 years,	- - -	5
,, 3 years,	- - -	5
	Total	36

By the Governor General's Agent.

Imprisonment for 14 years,	- - -	9
,, 12 years,	- - -	7
,, 10 years,	- - -	2
,, 8 years,	- - -	1
,, 7 years,	- - -	3
,, 5 years,	- - -	5
,, 4 years,	- - -	7
,, 3 years,	- - -	4
,, 2 years,	- - -	3
,, 1½ years,	- - -	2
,, 1 year,	- - -	1
Less than 1 year,	- - -	3
	Total -	47

Principal Assistant for Hazareebaugh.

Imprisonment for 3 years,	- -	1
,, 2 years,	- -	15
,, 1 year,	- -	15
,, 6 months,	- -	51
Less than 6 months,	- -	139
Fined, - -	- -	104
Discharged, -	- -	6
	Total -	330

Principal Assistant in Manbhoom.

Imprisonment for 2 years,	- -	128
,, 1 year,	- -	37
,, 6 months,	- -	43
Less than 6 months, -	- -	88
Fined, - -	- -	138
Security required, -	- -	5
Discharged, - -	- -	52
	Total -	488

Principal Assistant in Lohurdagga.

Imprisonment for 3 years, - - -	24
„ 2 years, - - -	115
„ 1 year, - - -	12
„ 6 months, - - -	12
Less than 6 months, - - -	116
Fined, - - - -	51
Security required, - - -	2
Total . -	332

GENERAL REMARKS.

The Statements were submitted by Captain Wilkinson, the Governor General's Agent, with a letter dated the 24th of February last; Captain Wilkinson's whole time and attention having been taken up with the affairs in the Singbhoom Country, he has not furnished the Court, with any report upon the administration of Criminal Justice ; and they are therefore unable to record any opinion regarding the general state of this Agency. The Criminal trials submitted by Captain Wilkinson himself have been however conducted in a very satisfactory manner, and the Court are most favorably impressed in regard to his judicial qualifications.

GOWALPARAH.

Captain Davidson was in charge of this District during the past year.

At the close of the year 1835, there were 34 persons under trial, viz. 12 in jail and 22 on bail, or personal recognizance—365 persons were apprehended or summoned during the year 1836; making a grand total of 399, and these persons were disposed of in the mode noted in the margin.* Considering that this is an extra Regulation District the general result may be considered satisfactory.

* Acquitted, ...		169
Convicted, ...		164
Committed, ...		31
Died, ...		1
Under Trial.		
Jail, ...	11	34
Bail, ...	23	
		399

Twenty-two persons were acquitted and discharged in consequence of Razeenamehs being filed, and 8 from the non-attendance of prosecutors.

The number of persons in jail or on bail, on the 31st December last, is noted in the margin*—and calls for no remark.

* In Jail, ...	11
On Bail, ...	23

Only one person was confined in this District on default of security for good conduct at the close of the year.

The number of Appeals preferred from the orders of the Magistrate in Criminal trials, and also in cases of a Miscellaneous nature, and the result thereof, is noted in the margin.* This Statement seems to call for no particular observation.

* APPEALS.		
Criminal Trials.		
Preferred, ...		19
Confirmed, ...	10	
Modified, ...	5	
Pending	4	
		19
Miscellaneous Cases.		
Preferred, ...		6
Confirmed, ...	2	
Modified, ...	1	
Pending	3	
		6

KAMROOP.

Captain Bogle was in charge of this District during the past year.

* Acquitted,		840
Convicted,		433
Committed,		144
Under Trial.		
Jail,	55	176
Bail,	121	
		1593

At the close of the year 1835, there were 95 persons under trial, viz. 48 in jail and 47 on bail or personal recognizance—1498 persons were apprehended or summoned during the year 1836, making a grand total of 1,593, these individuals were disposed of in the mode noted in the margin.* The number of persons acquitted, indicates much want of judgment on the part of the Magistrate and his subordinate Police Officers, in summoning and apprehending individuals charged with Criminal offences, and Captain Bogle's attention should be immediately directed to this important subject by the Commissioner.

Forty-two persons were acquitted and discharged on Razeenamehs being filed and 31 in consequence of the non-attendance of prosecutors.

* In Jail,	55
On Bail,	121

The number of persons in jail and on bail, on the 31st of December last, is noted in the margin.* This Statement is considered very unsatisfactory, and requires explanation, which the Commissioner will be pleased to call for, and to submit to this Court with all practicable despatch, furnishing at the same time his own opinion on the subject.

Five persons were confined on the 31st of December last, on default of security for good conduct.

* APPEALS		
Criminal Trials.		
Preferred,		5
Confirmed,	5	
Modified,	0	
		5
Miscellaneous Cases.		
Preferred,		4
Confirmed,	1	
Modified,	1	
Pending,	2	
		4

The number of Appeals preferred from the decisions of the Magistrate in Criminal trials and also in Miscellaneous cases, and the result thereof, is noted in the margin.* This Statement calls for no orders.

DURRUNG.

Captain Matthie was in charge of this Division, during the past year.

* Acquitted,		528
Convicted,		245
Committed,		70
Died,		3
Under Trial.		
Jail,	6	14
Bail,	8	
		860

At the close of the year 1835, there were 67 persons under trial, viz. 30 in jail and 37 on bail—793 persons were apprehended or summoned during the year 1836, making a grand total of 860, and these persons were disposed of, as noted in the margin.* The number of convictions in this District also bears a very discreditable proportion to the number of persons acquitted and discharged.

Two persons were released in consequence of Razeenamehs being filed, and the same number in consequence of the non-attendance of the Prosecutors.

* In Jail,	6
On Bail,	8
	14

The number of persons in jail or on bail on the 31st of December last, is noted in the margin.* This Statement is considered to be satisfactory.

Only one Appeal was preferred from the decision of the Magistrate in Criminal trials, and in that case his order was confirmed; there were no Appeals in

Miscellaneous cases. This Statement must be considered creditable to Captain Matthie.

NOWGONG.

Mr. T. Brodie was in charge of this Division during the past year.

On the 31st of December 1835, there were 16 persons under trial, viz. 7 in jail and 9 on bail—1301 persons were summoned or apprehended, during the year 1836; making a grand total of 1317: these persons were disposed of in the mode noted in the margin.* The proportion of acquittals to convictions is by no means creditable to Mr. Brodie. It appears, however, from the 24th paragraph of the Commissioner's letter No 45½ of the 21st of March last, that he has called upon the Magistrate for an explanation, which he states shall be transmitted hereafter to this Court; as upwards of two months have elapsed without this explanation being forwarded, the Court will direct Captain Jenkins' attention to the necessity of submitting the same without any further delay.

* Acquitted,		971
Convicted,		266
Committed,		38
Under Trial.		
Jail,	[illegible]	42
Bail,	40	
		1317

One hundred persons were acquitted and discharged in consequence of Razeenamehs being filed, and one hundred and ninety-three from the non-attendance of prosecutors. This Statement also requires explanation—which the Commissioner will be requested to furnish.

The number of persons in jail or on bail on the 31st December last, is noted in the margin,* and requires no remark.

* In Jail,	2
On Bail,	40

The Appeals preferred from the decisions of the Magistrate in Criminal trials and in Miscellaneous cases, and the result thereof, is noted in the margin.* This Statement is considered satisfactory.

* Appeals.		
Criminal Trials.		
Preferred,		4
Confirmed,	2	
Modified,	2	
		4
Miscellaneous Cases.		
Preferred,		1
Confirmed,	1	
		1

The following is an Abstract of the sentences passed by Captain Davidson and his Assistants in Gowalparah during the past year:

Imprisonment for 2 years,	29
Imprisonment for 1 year,	19
Imprisonment for 6 months,	18
Less than 6 months,	26
Fined,	66
Security required,	6
Total	164

The following is an Abstract of the sentences passed by Captain Bogle and his Assistants in Kamroop during the past year:

Imprisonment for 2 years,	56
Imprisonment for 1 year,	57

Imprisonment for 6 months,	-	- 33
Less than 6 months,	-	- 54
Fined, - -	-	- 193
Security required,	-	- 40
	Total	- 433

The following is an Abstract of the sentences passed by Captain Matthie and his Assistants in Durrung during the past year:

Imprisonment for 2 and 3 years,		- 53
Imprisonment for 1 year,	-	- 53
Imprisonment for 6 months,	-	- 40
Less than 6 months,	-	- 42
Fined, - -	-	- 48
Security required, -	-	- 9
	Total	- 245

The following is an Abstract of the sentences passed by Mr. Brodie and his Assistants in Nowgong during the past year.:

Imprisonment for 3 years,	-	- 8
Imprisonment for 1 year,	-	- 8
Imprisonment for 6 months,	-	- 36
Less than 6 months,	-	- 106
Fined, -	-	- 92
Security required,	-	- 8
Dismissed from office,	-	- 9
	Total	- 267

SESSION JUDGE'S COURT.

The Court are unable to record any observations or remarks regarding the duties of the Sessions, in consequence of the very great discrepancies between column 12 of Statement No. 1, and column 4 of Statement No. 12, submitted by the Commissioner Captain Jenkins. For instance in column 12, Statement No. 1, for Gowalparah Captain Davidson enters 31 prisoners committed to the Session. In column 4, Statement No. 12, for Gowalparah, the Commissioner of Circuit Captain Jenkins enters 23 persons only as committed to the Sessions during the past year, being a discrepancy of 8 persons. In column 9 of Statement No. 12, Captain Jenkins again enters one prisoner as having being referred to the Nizamut Adawlut during the year 1836, whereas the Register of Criminal

trials does not show that a single case has been so referred; Captain Jenkins will be pleased in communication with the Magistrate, to submit a corrected Statement of No. 12, explaining any discrepancies that may have occurred, and annexing thereto a list of the trials referred to the Nizamut Adawlut, giving the names of the prisoners, the crimes with which they stood charged, and the date and sentence of this Court.

The number of prisoners committed for trial to the Sessions for the Divisions of Kamroop, Durrung and Nowgong, are stated by the Magistrates in column 12 of Statement No. 1, to have been 252, as noted in the margin;* whereas column 4 of Statement No. 12, submitted by the Commissioner of Circuit, shews only 209 persons to have been committed to the Sessions during the year, being a discrepancy of 43 prisoners. In the printed lithographed form, there is an N. B. requesting "care to be taken that the 4th column of Statement No. 12, corresponds with the 12th column of Statement No. 1." The Commissioner will therefore be requested, in communication with the Officers in charge of Kamroop, Durrung and Nowgong, to submit a fresh Statement of No. 12, taking care that every man stated to have been committed by the Magistrates be accounted for, and that he will annex thereto a list of the cases referred to this Court, shewing the names of the prisoners, the crimes with which they were charged, and the date and sentence of this Court. On the receipt of this document the Court will be prepared to resume the consideration of the Annual Criminal Statements for these Districts, and they request that these documents may be submitted by Captain Jenkins with all practicable despatch.

* Kamroop, ...	144
Durrung, ...	70
Nowgong, ...	38
	252

ASSAM.

The Court having had before them a letter from Captain F. Jenkins, Commissioner of Assam, dated the 19th of May last, submitting the Annual Statements noted in the margin,* on the administration of Criminal Justice during the year 1836 record in continuation of their Resolution of the 30th June, the following observations and remarks.

* Annual Statements of prisoners punished without reference to the Nizamut Adawlut for Zillah Kamroop, Durung and Nowgong.
Annual Statements of prisoners acquitted without reference to the Nizamut Adawlut, ditto ditto.

ZILLAH KAMROOP.

The subjoined Statement of prisoners punished by the Commissioner without reference to the Nizamut Adawlut will shew the crimes with which they were charged:

Burglary, - - -	13
Forgery, - - -	2
Perjury, - - -	4
Decoity, - - -	6
Theft, - - -	7
Extortion, - - -	2
Selling British subjects as Slaves, -	1
Knowingly allowing Murderers to escape, -	1

Murder,	-	-	-	1
False complaint of Murder,		-	-	1
Receiving Stolen Property,		-	-	3
Homicide,	-	-	-	2
			Total -	43

The Statement of Prisoners acquitted by the Commissioner without reference to the Nizamut Adawlut stands in detail as follows, viz.

Bribery,	-	-	-	1
Perjury,	-	-	-	2
Decoity,	-	-	-	4
False complaint,	-	-	-	3
			Total -	10

ZILLAH DURRUNG.

In this District the Statement of Prisoners furnished without reference to the Nizamut Adawlut shews, that the 28 persons committed to the Sessions were charged with the following Crimes, viz.

Homicide,	-	-	-	2
Decoity,	-	-	-	22
Forgery,	-	-	-	3
Burglary,	-	-	-	1
			Total -	28

The Statement of acquittals without reference to the Nizamut Adawlut contains 34 persons charged with Decoity.

ZILLAH NOWGONG.

The Statements of Prisoners punished and acquitted in this District without reference to the Nizamut Adawlut shews, that one prisoner charged with Theft and three charged with Decoity were punished by the Commissioner; and that one prisoner charged with Homicide was acquitted and discharged.

ORDERED,

That a copy of this Resolution be forwarded to the Commissioner of Assam, and that another copy be sent to the Secretary to the Government of Bengal in the Judicial Department, in continuation of the Officiating Register's letter dated the 9th June, 1837.

ARRACAN DIVISION.

Zillah Ramree.

Captain J. R. Lumsden was the Officiating Senior Assistant Commissioner of this District.

At the close of the year 1835, there were 10 persons under trial (on bail)—364 persons were apprehended or summoned during the year 1836, making a total of 374; and these were disposed of in the mode indicated in the margin.*

* Acquitted,		275
Convicted,		88
Committed,		1
Under Trial.		
In Jail,	5	
On Bail,	5	
		10
		374

The Statement in the margin* shews the number of persons apprehended, acquitted and convicted in "Heinous Crimes" as well as in "Petty Offences." The Court consider the result very unsatisfactory.

* Heinous Crimes,	163
Apprehended,	94
Convicted,	23
Acquitted,	62
Petty Offences,	178
Apprehended,	280
Convicted,	65
Acquitted,	213

The number of persons in jail or on bail on the 31st December, 1836, is noted in the margin,* and requires no remark.

* In Jail,	5
On Bail,	5

In the District of Ramree 24 prisoners were confined during the year, on requisition of security for good conduct—of these 22 were unconditionally released and 2 remained in confinement on the 31st December, 1836.

The number of Appeals preferred from the decisions of the Magistrate in Criminal trials, as also in cases of Miscellaneous nature, and the result thereof, are noted in the margin.*

* APPEALS.		
Criminal Trials.		
Preferred		5
Confirmed,		5
Miscellaneous Cases.		
Preferred,		4
Confirmed,	3	
Modified or reversed,	1	
		4

SESSIONS COURT.

Only one prisoner (an insane) was committed to the Sessions Court during the year under review—his case however remained under trial on the 31st December, 1836.

ZILLAH SANDOWAY.

At the close of the year 1835, there were 4 persons (in jail) under trial, 281 persons were apprehended ar summoned during the year 1836, total 285. These persons were disposed of in the mode noted in the margin.*

* Acquitted,		183
Convicted,		90
Committed,		5
Under Trial.		
In Jail,	1	
On Bail,	1	
		2
		280

The Statement in the margin* will shew the number of persons apprehended, convicted and acquitted in the District of Sandoway during the year. The result is by no means satisfactory.

* Heinous Crimes,	56
Apprehended,	101
Convicted,	18
Acquitted,	76
Petty Offences,	86
Apprehended,	184
Convicted,	72
Acquitted,	107

There were no persons in confinement in default of security for good conduct on the 31st December, 1836.

The number of Appeals preferred from the decisions of the Magistrates in Criminal trials and the result thereof are noted in the margin.* The order of

* APPEALS.		
Criminal Trials.		
Preferred,		5
Confirmed,	3	
Modified or reversed,	2	

the Magistrate in the only Miscellaneous case which was appealed in 1836 was upheld.

SESSIONS COURT.

There were no cases pending in the Sessions Court at the close of 1835; 5 prisoners were committed during the year 1836, and 6 were received back after reference to the Nizamut Adawlut. In the total or column 6 of Statement No. 12, the above 6 prisoners should have been included and accounted for, shewing in what manner they were disposed of. The cases referred to the Nizamut Adawlut are omitted. The Commissioner of Circuit should have entered these prisoners in column 9 of the above Statement.

NIZAMUT ADAWLUT.

Of the 5 prisoners whose cases were referred to the Nizamut Adawlut in September 1836, 4 were acquitted and 1 sentenced to three years' imprisonment.

ZILLAH AENG.

* Acquitted, ...	5
Convicted, ...	7
Committed, ...	10
Under trial on bail, ...	1
	23

In this jurisdiction there were no persons under examination at the close of the year 1835. In 1836, 23 persons were apprehended and they were disposed of in the mode indicated in the margin.*

* Heinous Crimes, ...	5
Apprehended, ...	11
Convicted, ...	0
Acquitted, ...	1
Petty Offences, ...	7
Apprehended, ...	12
Convicted, ...	7
Acquitted, ...	4

The Statement noted in the margin* shews the number of persons apprehended, acquitted and convicted in "heinous crimes" as well as "petty offences."

One Appeal was preferred from the decisions of the Magistrate in Criminal trials and one in those of a Miscellaneous nature; in both of which the Magistrate's order was confirmed.

SESSIONS COURT.

Ten prisoners were committed to the Sessions Court during the year 1836, 9 were convicted and sentenced, and the case of one prisoner was referred to the Nizamut Adawlut. The prisoner was sentenced by the Nizamut Adawlut to suffer death.

ZILLAH AKYAB.

* Acquitted, ...		765
Convicted, ...		209
Committed, ...		141
Casualties, ...		6
Under Trial.		
Jail, ...	3	
Bail, ...	10	
		13
		1,134

At the close of 1835, there were 125 persons under trial, viz. 38 in jail and 87 on bail or personal recognizance—1009 persons were apprehended or summoned during the year 1836: making a total of 1134, who were disposed of in the mode noted in the margin.*

* Heinous Crimes, ...	68
Apprehended, ...	281
Convicted, ...	84
Acquitted, ...	96

The statement as per margin* exhibits the number of persons apprehended, convicted and acquitted in "Heinous Crimes" as well as in "Petty Offences"

in this Zillah.* The general result is very unsatisfactory and shews that many persons were unnecessarily apprehended.

Petty Offences, ...	260
Apprehended, ...	853
Convicted, ...	161
Acquitted, ...	609

The number of persons in jail or on bail on the 31st December, 1836, is noted in the margin,* and calls for no remarks.

* In Jail, ...	3
On Bail, ...	10
	13

The number of Appeals preferred from the decisions of the Magistrate in Criminal trials, and also in cases of a Miscellaneous nature and the result thereof, are noted in the margin.*

* APPEALS.		
Criminal Trials.		
Preferred,.....		17
Confirmed, ...	14	
Modified or reversed, ...	3	
Pending, ...	0	
		17
Miscellaneous Cases.		
Confirmed, ...	8	
Modified or reversed, ...	3	
		11

SESSIONS COURT.

Captain T. Dickenson was the Commissioner of Circuit for this Division, comprising the Districts of Ramree, Sandoway, Aeng and Akyab, including Arracan.

During the year 1836, there were 147 prisoners committed to the Sessions Court of Akyab, they were disposed of in the manner noted in the margin.*

* Acquitted,.....	8
Convicted, ...	5
Referred,.....	88
Under trial, ...	40
Casualties, ...	9
	147

From a Statement No. 14, prepared in the office of the Sudder Nizamut Adawlut, it appears that the cases of 89 prisoners were referred during the year 1836, and disposed of in the following manner, viz.

Convicted and sentenced, -	- 15
Acquitted and discharged, -	- 9
Under trial on the 31st December, 1836,	- 65
Total	- 89

Captain Dickenson's report of the Criminal Justice of these Provinces does not contain any observations worthy of being brought to the special notice of Government.

ORDERED,

That a copy of this Resolution be forwarded to the Commissioner of Arracan, and that another copy be sent to the Secretary to the Government of Bengal in the Judicial Department, in continuation of the Officiating Registe[illegible] letter dated the 9th June, 1837.

TENASSERIM PROVINCES.

The Court having had before them the Annual Statements of the administration of Criminal Justice in the Tenasserim Provinces during the year 1836, submitted to them by Mr. Blundell, the Commissioner, record the following observations and orders.

PROVINCE OF AMHERST.

The following is an abstract of Statement No. 1:

There were no persons under examination at the close of 1835.

Apprehended during 1836, - - -		869
Acquitted and discharged ditto, - -	206	
Convicted and punished ditto, - -	647	
Committed to the Sessions ditto, - -	14	
Escaped ditto, - - - -	1	
Pending 1st January 1837, - - -	1	
		869

The 647 prisoners convicted and punished during the year 1836, were sentenced in the manner noted in the margin.*

* Imprisonment for 2 years,		1
" 1 year and upwards,		11
" 6 months and upwards,		15
Less than 6 months,		145
		172
Fined and discharged,	462	
Required to furnish Security,	13	
		475
		647

Statement No. 15 shews 746 as the aggregate number of trials in this jurisdiction during the year under review, and the aggregate number of persons whose cases were disposed of by the several Judicial Officers is as follows:

Disposed of by the Assistants, - - -	696
Ditto Tseetkai, - - - - -	160
Ditto Gaunghyauts, - - - -	2
Total acquitted and convicted, -	858

From the Statement No. 12, prepared in the Office of the Sudder Nizamut Adawlut, it appears that 19 prisoners were committed to the Sessions Court in 1836, and disposed of in the following manner, viz.

Convicted and punished, - - -	8
Acquitted and discharged, - - -	3
Referred to the Nizamut Adawlut, - -	8
Total, -	19

Of the 8 prisoners whose cases were referred to the Nizamut Adawlut, 7 were convicted and sentenced, and the case of 1 prisoner pending at the close of the year was disposed of on the 27th January 1837.

PROVINCE OF MERGUI.

In this Province the number of persons apprehended during the year 1836, was, - - - - 107

Acquitted and discharged in 1836, - -	20	
Convicted and punished ditto, - -	81	
Committed to the Sessions ditto, - -	2	
Pending 31st December 1836, - -	4	107

Of the above 107, 80 were males and 27 females.

The sentences passed on the 81 persons who were convicted and punished are given in the margin.*

* Imprisonment for 1 year and upwards, ...		2
" 6 months ditto, ...		5
Less than 6 months, ...		26
		33
Fined and discharged, ...	47	
Required to furnish Security, ...	1	48
		81

The total number of trials during the year 1836 was 85, including 101 persons, and they were disposed of in the manner following, viz.

By the Assistants, - - - -	83
" Tseetkai, - - - -	18
Total acquitted and convicted, -	101

There were 3 prisoners committed to the Session Court during the year 1836, sentence was passed on 2, and the other prisoner referred to the Nizamut Adawlut in December 1836, was sentenced to death on the 13th January 1837.

PROVINCE OF TAVOY.

In this Province there were no prisoners of the preceding year under examination before the Magistrate and his Assistants. In 1836 the number of persons apprehended was, - - - - 74

Acquitted and discharged, - -	1	
Convicted and punished, - -	63	
Committed to the Sessions, - -	10	
		74

The marginal note* shews the sentences passed on the 63 prisoners who were convicted and punished.

* Imprisonment for 2 years, ...		1
" 1 year and upwards, ...		4
" 6 months and upwards, ...		3
Less than 6 months, ...		2
		10
Fined and discharged, ...	44	
Required to find Security, ...	13	57
		67

Statement No. 15, for the Province of Tavoy exhibits 63 trials and the same number of prisoners during the year 1836, they were disposed of as follows:

By the Assistants, - - - -	40
" Tseetkai, - - - -	9

By the Gaung Kyanto, - - -	- 14
Total acquitted and punished, -	- 63

In this jurisdiction 12 prisoners were committed for trial to the Sessions Court during the year 1836, and disposed of as follows:

Convicted and punished, - -	- 7
Acquitted and discharged, - -	- 3
Referred to the Nizamut Adawlut, -	- 2
	12

The 2 prisoners referred to the Nizamut Adawlut were sentenced capitally on the 19th and 23d November 1836.

ORDERED,

That a copy of this Resolution be forwarded to the Commissioner of the Tenasserim Provinces and another to the Secretary to Government in the Judicial Department, in continuation of their Register's letter of the 9th June last, No. 1625.

(True Copies,)

PIERCE TAYLOR, *Offg. Register.*

(No. 1966.)

To P. TAYLOR, Esquire,

Officiating Register of the Court of Sudder Nizamut Adawlut.

Judicial Department.

Sir,

I am directed by the Right Honorable the Governor of Bengal to acknowledge the receipt of your letters dated and numbered as per margin,* with their respective enclosures, being the Court's Annual Report upon the Administration of Criminal Justice in the Lower Provinces for the year 1836, and several supplementary communications, and to state as follows in reply.

* Letter dated 9th June, 1837, No. 1625.
Ditto ditto 5th July, „ No. 1849.
Ditto ditto 21st July, „ No. 2326.
Ditto ditto 28th July, „ No. 2362, (Depy. Regrs.)
Ditto ditto 18th Aug., „ No. 2495.

The Court's Report of the 16th June last, with its enclosures, has also been considered.

2. His Lordship will examine, in the first instance, those parts of the Court's Report which relate to subjects of general interest and importance, and then proceed to notice, as far as may be necessary, their observations upon the state of particular Districts.

3. The first point upon which the Governor thinks it proper to remark, principally because at a time when a Committee is about to sit for the purpose of devising the best means of improving the Police, it is very desirable that all Estimates, favourable or unfavourable, of its comparative efficiency and success should be carefully tested, is the position assumed by the Court in the paragraph quoted in the margin,* and incidentally in several other passages of their Report, that the existing system is very inferior to that which preceded it, and that measures for "re-establishing" its efficiency are imperatively called for.

Supposed deterioration of Criminal Justice and Police.

* Para 3 "The Court "feel satisfied that the mass "of information contained in "the present Report will "furnish his Lordship's Go-"vernment, with the most "conclusive evidence regard-"ing the inefficiency of the "present arrangements, and "the necessity that exists for "re-establishing without any "further delay an efficient "system of Police and of "Criminal Justice, calculat-"ed to promote the confi-"dence and to ensure the "happiness of the people."

4. That the administration of Criminal Justice, including the Police, stands in extreme need of improvement, His Lordship is readily prepared to admit: the papers now before him, and the half yearly Reports which he receives from the several Commissioners of Circuit, furnish abundant proof of the urgency and importance of the necessity; and he will spare no pains to effectuate so essential an end. But he is, at the same time, apprehensive, that unless the premises of the assumption that the Police has deteriorated of late years be carefully examined,—in order to prove whether the opinion be well or ill founded,—and, if the former, to what extent the falling off has gone, the attention of the Police Committee may be misdirected to mere circumstances of the present system, having really little or no practical effect upon its operation, instead of being devoted to the framing of a scheme of administration suited, at the same time, to the wants and condition of the people, and to the means of the public service, and which shall be calculated to obviate or overcome those intrinsic obstacles to an efficient organization of the Police, which equally opposed the Magistrate when his functions were united with those of Civil Justice, as under their more recent junction with Fiscal duties.

5. The Governor observes that on the 10th of July 1835,—probably in consequence of the sentiments expressed in the passage quoted in the margin* from the orders addressed to them by the late Governor on the 16th of the preceding month,—the Court called upon the Commissioners and Magistrates throughout their jurisdiction for comparative returns calculated to shew the state of Crime and of the administration of Criminal Justice, in the two triennial periods 1826, 1827 and 1828, and 1832, 1833 and 1834—the three former years being the last of the old, and the latter series being regarded as likely to exhibit a fair average of the results of the existing system.

* Para. 2. "The main ques-"tion discussed by the Judges "in their respective minutes "has received, on several "occasions, the deliberate "attention of Government. "All the considerations which "oppose, as well as those "which favour, the union of "Magisterial and Fiscal func-"tion in an individual Offi-"cer, have been repeatedly "and maturely weighed. "Nothing, probably, of theo-"ry which could have been "arranged either on one or "the other side of the argu-"ment was left out of the "scale by which the point "was tried and determined; "and therefore the Governor "concurs in opinion with "Mr. C. R. Barwell that the "discussion can only with "propriety be re-opened, by "the adduction of what that "Gentleman calls the "stub-"born evidence" of facts to "prove both the deteriora-"tion of the Police, and the "connection of that effect, "when demonstrated to ex-"ist, with the alleged cause "Any such evidence which "the Court may bring for-"ward, will receive His "Honor's best consideration."

6. The Court, for the reasons given in your letter of the 16th of June last, principally because their sentiments "on the general defects of the present system had been very fully expressed" in previous Reports, have not stated any opinion upon the Returns to their requisition; but the following extract from Mr. Halhed's unfinished Minute shews that in three most essential respects the Statements, quantum valeant, (and Mr. Halhed does not specify the grounds on which he considers them "imperfect and incorrect," nor why, if really so, they should make in favour of the latter series of years,) exhibit the results of the existing system as more satisfactory than those of that which it superseded.

" From the Statements, imperfect and incorrect as they most assuredly are, " the following particulars are deducible :

1st. " That a greater number of persons charged with Crimes have been " apprehended in the second period, viz. from 1832 to 1834, than those in the " first period, viz. from 1826 to 1828.

2d. " The aggregate number of convictions is greater in the latter period " than in the former; while the number of heinous offences is less: but there " appears to have been a very great increase of burglaries and petty thefts in the " latter period."

7. His Lordship is doubtful whether the " very great encrease in bur- " glaries and petty thefts," which the Returns are stated to exhibit, should not be attributed rather to the less studious concealment of crimes of that nature in consequence of the enactment of Regulation II. of 1832, than to any actual encouragement to crime afforded by that Law.

8. But to test the comparative state of crime in regard to burglaries and thefts by the Returns of a particular District, His Lordship has now before him a document exhibiting the number of crimes of that description committed in the District of Tirhoot, where they are well known to be and always to have been peculiarly rife during the years from 1812 to 1836 both inclusive, the number of persons apprehended for and convicted of the same, and the value of property stolen and recovered. The averages of two periods, each of eight years, the one ending with 1828, the other with 1836, are given in the margin,* and though the results are generally most discreditable, and such as to call most loudly for a reform, they certainly do not prove either deterioration, nor as " the Court apprehend, that the provisions of " Regulation II. of 1832, have been productive of very " injurious effects" in Tirhoot.

*	Average of Burglaries and Thefts.	Ditto of persons Apprehended.	Ditto of persons Convicted.	Ditto of Property Stolen. Rupees.	Ditto of Property recovered. Rupees.
1821 to 1828	1886	229	131	23,953	1,819
1829 to 1836	1569	381	210	22,058	2,501

See Para. 172 of Report.

9. Nor to turn to heinous offences, does the best information at the command of Government shew that there has been any encrease of crime worthy of mention under the head of sanguinary affrays, though the remarks of the Court at para. 447 of your Report as quoted in the margin,* would seem to imply their impression that " the same lawless spirit," so much to be regretted, has not always prevailed, and, during the early years of the century, to a much more lamentable extent than at present. The Papers published by Parliament previously to the passing of the last Charter Act, and recent Returns to this Department, furnish the Statements respecting affrays attended with loss of life, of which an epitome is given in the margin.† It shews that matters have remained very much upon a level since 1818—encreasing, it would appear, in some Districts, and decreasing in

* " The facts of this case " seem worthy of being " recorded, as indicating " the same lawless spirit " which the Court regret to " observe appears to prevail " in several of the Districts " of Bengal."

† 1813 to 1817	1818 to 1824	1825 to 1828	Year 1828	Year 1835	Year 1836
98	30	22	28	26	31

Note.—1813 is the first year in regard to which it is distinctly stated in Mr. Se-

others, according to the vigour or opposite qualities of the Magistrate for the time being.

10. In regard to Sarun, one of the Districts where fatal affrays have always been common, the Court state that "the details of an affray arising from a case "of Lakhiraj resumption appears worthy of being brought to the notice of "Government, as the Officiating Session Judge reports that these affrays have "become lamentably frequent in this District."

11. It is not clear from the tenor of the sentence, whether the Court mean that affrays in general, or affrays arising from the particular cause specified as the origin of the case immediately alluded to, had become "lamentably frequent;" but his Lordship finds, on turning to the documents above cited, that in 1835, two affrays with loss of life, and nine violent breaches of the peace, and in 1836, four of the former and eight of the latter outrages took place in Zillah Sarun. But in 1813 there were twenty-four violent affrays,* and in 1828, (the last of the old system,) seven affrays with the loss of life, and sixteen with wounding, in the same District. Unless therefore the Officiating Session Judge refer to some periods intermediate between 1828 and 1835, he is clearly in error in his assumption of an encrease, the comparison with former times being considerably in favour of the two last years.

cretary Bayley's Note, (printed in the Appendix to Report of Select Committee, referred to in the text,) that the affrays entered were attended with loss of life. In former years they are entered simply as "violent affrays." But as Mr. Bayley takes the 98 "violent affrays" of his first Note, and enters them as "violent affrays, attended with loss of life," in his second Note, it may be inferred that all the entries under the first head related in like manner to fatal affrays. If this be correct, the annual average from 1803 to 1807, was 482, and from 1808 to 1812, 204.

* There is no distinction made in the Statement of this year, as above explained; but the aggregate is 137, of which 98 appear to have been fatal affrays. Three-fourths therefore at least of the twenty-four affrays in Sarun were, probably, attended with loss of life.

12. The average estimated value of property stolen and recovered during the years 1835 and 1836, and the actual Returns for years 1813 and 1828 respectively, are transcribed upon the margin.* The comparison is decidedly in favour of the present day; though all, considered positively, are extremely bad. The averages of the two triennial periods 1826 to 1828, and 1832 to 1834, as given below, shew that matters, up to the last mentioned year, were remarkably upon a level.

* Average for 1835 and 1836.

Property Stolen. Rupees 4,38,371	Ditto Recovered. Rupees 70,588
1813.	
Property Stolen. Rupees 4,72,079	Ditto Recovered. Rupees 60,458
1828.	
Property Stolen. Rupees 3,68,445	Ditto Recovered. Rupees 48,452

	Value of Property Stolen.	Ditto Ditto Recovered.
1826 to 1828,	4,14,633	48,529
1832 to 1834,	4,06,527	48,138

13. In simple Dacoity there has been a considerable encrease since 1828, the Return for that year being 100, and the average of 1835 and 1836, 164. Sixteen Dacoities with murder and fifty-one with wounding were committed in 1828, the average of 1835 and 1836 is 17½ and 50 respectively. But the results of 1836 bear a very favourable relation to those for 1813, (as noted in the margin,*) when the old system had been twenty years in operation and great efforts had been made at heavy cost to render it efficient, for the Dacoities of Zillah Kisnaghur, which amounted to 329 in 1808, had been reduced to 4 in 1813. The averages

* *Dacoities in* 1813.

With Murder.	With Torture or Wounding.	Simple and River Dacoity.
31	149	315

Total..... 495

† *Dacoities.*

1813 to 1817.	1818 to 1824.	1825 to 1828.
339	234	170

of the years from 1813 to 1828 are given in the margin,† the average of 1835 and 1836 is 233, a fall off from the last series under the old system, but equal to the average from 1818 to 1824, and vastly superior to any prior Return, the average from 1803 to 1812 being no less than 1204.

14. Exactly, however, in the same way as the Officiating Judge of Sarun writes about the great encrease of affrays in that District, does the Judge of Midnapore insist upon the extreme and unheard of prevalence of Dacoity. "The "pitch," he states, "to which these nightly depradations have arrived is past all "belief; and the insecurity to life and property is disgraceful to any Government;" and, in another place, "although the number of Dacoities which are reported "and tried are numerous enough, and *manifold more than formerly*, still it is "notorious that not one-half of those which actually occur are reported to the "Police." The facts of the case are these: in 1813 there were 25, in 1828, 18, and in 1836, the year about which Mr. Dick was writing, 19 Dacoities in Midnapore. There is not a shadow of proof that more crimes of that nature are concealed now than formerly.

15. On the whole, therefore, the Governor is inclined to think that no case of decided and general deterioration in the efficiency of the Police has been, or can be, substantiated. It is, and clearly always has been, very bad; but His Lordship suspects that the Police of a well managed District under the existing system is not less efficient than that of a well managed District previously to 1829; and that a District in bad order under a Judge and Magistrate, was very much on a par with a District in the same predicament now. He believes, also, that the real secret of the somewhat general impression of deterioration lies in the stronger light thrown upon the subject by the enquiries and reports of the Court, by the more close and frequent correspondence of Government with the Commissioners and by greater general publicity. Other matters His Lordship is persuaded remain pretty much as they were. An efficient Judge and Magistrate under the old system, effected great improvements on taking charge of an office which had long been in incompetent or negligent hands and maintained a good Police during his attachment to the District. Precisely the same effect was produced in Purnea when Mr. Gouldsbury took charge of it as Magistrate and Collector, by whose vigorous exertions Dacoity which had long been very prevalent and of a very sanguinary description, was put down to so considerable an extent that during the last six months of 1835, not a single crime of that nature was committed, and only 5 in the whole year 1836 compared with 9 in 1835. In the same manner Mr. Dunbar the Magistrate and Collector of Bhaugulpore, [whose deserts His Lordship is happy to observe the Court have recognized] reduced Dacoities in that District from 13 in 1835 to 3 in 1836. Mr. Donnelly at Jessore and Messrs. H. Stainforth and Lowth at Backergunge, were equally successful in their efforts against the same crime. Where the European functionaries however designated, were not equal to or neglected their business, the results were just as lamentable under the former as they have been

Jessore—Backergunge.
Dacoities.

1835, ..	12	5
1836, ..	5	1

under the present system. The Police was and is inefficient at the best under both; it is to the improved organization of that body that the best endeavours of the Government will be directed; and to that end and especially to relieving as far as possible the subordinate instrumentality of the system from its present absolute dependence upon the personal character of the individual Magistrate of the day.* His Lordship trusts that the attention of the Police Committee will be mainly and he doubts not most beneficially devoted.

* At the same time, His Lordship is well aware with the Court that "the suppression of heinous offences and the general happiness and comfort of the people must mainly rest on the vigilance with which the subordinate Police Officers are superintended, controlled and stimulated to exertion by their immediate superior;" (para. 306), and he concurs entirely with the sentiments expressed in a following quotation from a note recorded by "their late lamented colleague, Mr. Charles Barwell?" But, whilst Magisterial excellency is sedulously encouraged, every endeavour should be made to give substantive efficiency to the Police

16. In regard to the separation* of the offices of the Magistrate and Collector, upon which the Court have touched repeatedly in their Report under reply, and which they have strongly urged as a measure of necessity, in para. 619, the Governor has little to add to what has been stated in my letter of the 28th of February last. He apprehends indeed that the Court have regarded the subject rather in the abstract, than with reference either to the general strength of the service, or to the demands of other departments upon the agency at the command of Government. Under the old system, only two substantive Officers,—a Judge and Magistrate, and a Collector, were required in each District; but wherever the Magistracy is now separated from the Collectorship three must be supplied; and His Lordship considers it to be extremely doubtful whether, under the most favorable circumstances, three competent Officers could be afforded to each of the twenty-five Districts of the Lower Provinces:—in addition to which the Court recommend that the magisterial and fiscal duties should be committed to separate hands in the subordinate Districts of Pubna and Furreedpore.† But whatever might be done in ordinary times, the efforts which are now being made for the improvement of the public resources from the land Revenue, throughout the Lower Provinces, render it indispensable to the interests alike of the Government and of the community, that the Department, upon the flourishing condition of which every measure of improvement, whether of the Police or of Civil Justice, is absolutely dependent, should be administered, whilst such important operations are in progress, by none but highly efficient Officers—and the due enforcement of the Resumption Laws, which had fallen into almost total abeyance, and which could be effected only by a division of labour,—demands, at present, the services of not less than twelve very competent Officers.

* Separation of offices of Magistrate and Collector.

† The additional Judges of the Sudder Court, and the Commissioners of Revenue and Circuit have nearly absorbed the numerical gain to the Service from the abolition of the Courts of Appeal and Circuit. Taking the Senior and Junior Merchants together, there is only one more Officer of the two classes now in actual service than there were on the 1st of November, 1827; and very many more, as will be shewn in the sequel, are now absent on Medical Certificate.

17. Under these circumstances, it certainly appears to His Lordship to be very questionable whether the Police would really gain in efficiency by discarding, merely because they are also Collectors, the services of such Officers, as Messrs. Mills, T. C. Scott, Mytton, W. H. Martin, Dunbar, T. Taylor, and others. For it is undeniable that, from a variety of causes, the administration of a Collectorship in the Lower Provinces has become a vastly more arduous task than it was before 1829; and that that office cannot with safety either to the Government or the people be committed to any but highly competent functionaries. But Officers of such qualifications are rare at all times, and it would seem very doubtful policy to take the charge of the Police from the hands of a Magistrate and Collector, with whose management of it the Court profess themselves to be highly satisfied, merely to establish uniformity in a particular system. This argument appears to

be the more cogent, because the Court, after stating in para. 298 of their Report, "that in their opinion it is impracticable for one Officer to perform the duties "assigned to him as Magistrate and Collector of a District in Bengal with satis-"faction to himself, or with benefit to the public Service," (not adverting apparently, to the aid of subordinates, in both Departments, given to such Officers,) and urging "most strongly the immediate separation of the offices," add, "that unless "the individual selected for the Magistracy be an Officer of considerable expe-"rience and of well known activity, intelligence and ability, they do not antici-"pate any marked reform in the Police." But the Governor is convinced by practical experience of the difficulty of providing for vacancies without occasioning weakness in other quarters, that separate Magistrates possessed of such qualifications and of such standing as would satisfy the Court, (who insist greatly in many other parts of their Report upon long experience,) could not be allotted to each of the Districts of the Lower Provinces, and to the more important Joint Magistracies, without reducing the Revenue Department to a state of absolute and ruinous inefficiency.

18. In illustration of his sentiments on this head it will be sufficient for His Lordship to refer to para. 581 of the Court's Report in which they recommend the separation of the Magistracy and Collectorate of Central Cuttack. They state that they do "not imagine that this arrangement would be attended "with any additional expense to Government, as no less than five Civil Servants, "as noted in the margin,* are already employed in the Magisterial and "Revenue duties. If, therefore," they proceed, "instead of this number of "Officers, one individual had charge of the Revenue Department, and another "was placed in charge of the Magistracy, the Court cannot doubt that the duties "of both would be conducted in a manner much more satisfactory to the func-"tionaries themselves, and also with greater advantage to the public service."

19. The Court would probably think Mr. Forbes, the Senior Officer subordinate to Mr. Mills, too young to be appointed Magistrate of an important District. His Lordship would certainly hesitate, except under circumstances of urgent necessity, to commit such a charge to him. Still less at a time when a detailed settlement for a term of thirty years is in progress, and the property and well-being of thousands are at stake upon the issue, could he appoint any one but an Officer of tried ability, judgment, and experience to be Collector of such a District as Central Cuttack. In this case, as in almost every other, practical circumstances, in the form of the limited nature of the public service, and of the still more limited number of highly efficient Officers, stands insuperably in the way of any attempt to improve the existing state of things by a resort to a uniform and unbending system of administration. Under Mr. Mills' able supervision and control, both Departments will be conducted respectably in all instances, admirably in some. His Revenue management of a very difficult District, which has been visited of late years by a succession of grievous calamities has been excellent; and Mr. Ricketts speaks in very high terms of improvement that he has effected in the Police of the Town of Cuttack. Heinous crimes are not of frequent occurrence in the Province, and petty thefts and (so called) burglaries have

* Mr. Mills, Magistrate.
Mr. A. Forbes, Joint Magistrate.
Mr. C. Graham, Joint Magistrate.
Mr G. Martin, Assistant.
Mr. H. Bayley, Assistant.

Note.—Since this letter was drafted, Mr. Commissioner Ricketts' Police Report for the first six months of 1837 has been received, from which the following passage as entirely accordant with His Lordship's views stated in the text is transcribed.

Para. 39. "The Court "of Nizamut Adawlut in "their Resolutions on the "Annual Criminal Statements "for 1836 have recorded "their opinion that great im-"provement would be effect-"ed by the separation of "the Magistracy and Collec-"tor of Cuttack. Could the "Government afford to ap-"point an Officer of consi-"derable standing Magis-"trate, with an allowance "of 2000 Rs. per mensem, "leaving Mr. Mills with his "present income as Collec-"tor, doubtless the Offices "would be more efficient, "tho' I will not allow that "the business is now all "otherwise than most satis-"factorily conducted.

40. "But the Government "can neither afford either such "considerable increased ex-"pense or spare the services "of an experienced Officer "—were the Offices separat-"ed Mr. Forbes in all proba-"bility would be appointed "Magistrate with a Salary "of 1000 Rs. per mensem. "We should lose Mr. Mills' "experience and gain no-"thing! There is another

doubtless been encreased by the severe distress of the people. No separate Magistrate that could be spared from other avocations, would probably do so much or so well as Mr. Mills has effected with the assistance of the subordinate Officers placed at his judicious disposal. Many other Districts, as for example Sylhet, are in the same situation. The Government while admitting to the just extent, the general force of the considerations in favor of committing as far as possible, large and distinct duties to separate officers, must be guided by local circumstances, and the qualifications of individual officers on the spot, or available in separating Magistracies and Collectorships, or keeping them united or even on occasion, in re-uniting them after separation.

"great objection. Officers "receiving 1000 Rs. per "mensem are always in the "expectation of early pro-"motion, there would be a "change every second year "if not oftener.

41. "Most respectfully I "solicit that the existing "system may be allowed to "remain unchanged in Cut-"tack."

20. The Governor will adduce another instance of an opposite character, because he thinks that throughout their Report the Court have laid upon the existing union of Magisterial and Fiscal functions a far larger share of the burthen of failure than is really attributable to that circumstance. In speaking of Tipperah, the Court ascribe much of the unsatisfactory state of that District to "the deputation of Mr. Alexander into the interior of the District on Revenue "duties for nearly four months of the year, thus imposing upon Mr. Allen, a "young officer, and of course without much experience, the whole of the duties "attached to the joint office of Collector and Magistrate. Under these cir-"cumstances," the Report proceeds, "the Court are by no means surprised at "the existing state of things in this District, and they are of opinion that no "officer can be justly blamed for the unfavourable state of the District, seeing "that no officer retained charge of the Magistracy for a period sufficiently long "to establish any regular system."

Note.—The other reason given is "the constant changes "that have taken place in the "Magistracy." But the only changes during the year up to the 17th of December, were from the Officiating Magistrate to the Joint Magistrate, and from the Joint Magistrate back to his principal. These need, surely, have occasioned no changes of system.

21. Now, Mr. Alexander's Revenue duties were certainly not heavier than those of the Magistrates of the two adjoining Districts of Dacca and Sylhet, Messrs. Scott and Mytton,—both of whom appear to have given the Court entire satisfaction. Both of those officers were probably as long or nearly as long absent from their respective Sudder Stations during the cold season as Mr. Alexander and that gentleman might have retained, as well as they did the general charge of the Police. Moreover Mr. Allen, whose assistance he had is a very able and active officer. The real cause of the failure in Tipperah is not that Mr. Alexander was Collector as well as Magistrate, for so were Mr. Scott and Mr. Mytton; nor that he had heavy Revenue duties to perform for so had they, but that he, at no time their equal, was in delicate health and unable to labour with energy and effect. If either Mr. Scott or Mr. Mytton had been in Tipperah, there would have been no grounds for a complaint of inefficiency.

22. The Court have quoted with commendation, as "worthy of the atten-"tion of Government" as being founded on "personal observation" at Burdwan, the passage transcribed in the margin* from a letter addressed to them by Mr. Macan, when Additional Judge of Burdwan. That Officer can hardly have had any "personal observation" at Burdwan or Bancoora of the state of things which he describes, because in both those Districts, the Magistrates, so far from having

* "One remark I would "however make, which is "that no inducements of eco-"nomy, and no principles of "expediency, ought ever to "lead the Government to "appoint young inexperi-"enced, and ill paid men, "to the situations of Magis-"trates. Should the Govern-

"ment place the persons, the "rank, the respectability, "and character of the na-"tives of India, under the "power of a Magistracy, "composed of young men, "hurried out of the Fort "William College, or reject-"ed by the Revenue Boards, "as not active and intelli-"gent enough for the Re-"venue Department, the "evils arising from such a "system of administration "may be such, as to make "the British rule even more "unpopular than it is "amongst the natives of the "Country."

* Number of Magistracies and Judgeships in the hands of acting Officers.

* E. G. Patna and Rungpore are both in the Court's List, but Patna is held now by the Magistrate (Mr. Skipwith) and Rungpore was throughout 1836, (except for a few days in January when he took leave on private affairs,) in the hands of Mr. James, also the Magistrate.

been rejected by the Revenue Department, have been Collectors also. But His Lordship has mainly referred to the passage, in order to point out that the Agency for employment being strictly limited, the general separation of Magistracies from Collectorates must unavoidably produce the very effect of consigning the former to men younger than those who at present hold the joint offices, which Mr. Macan and the Court deprecate.

23. Mr. Macan proceeds—and in this also, as it appears from para. 621 of their Report, the Court concur with him—"There are already too many young "men, holding the situation of Magistrates,* and complaints are every where daily "increasing of the hasty, arbitrary, and unjust manner, in which the Magisterial "duties are conducted. The present evil arises out of that system, which has "of late been carried to a most unprecedented extent, of having almost all the "Civil appointments in the country, filled by acting men. There may be a sav-"ing to the Government Treasury in this system, but it has introduced the great-"est possible confusion into many departments of public business, and the "frequent changes which are going on in the Magistracy, one inexperienced "Assistant following another in rapid succession, must cause the greatest dis-"satisfaction, not only to the native population of the country, but also to all "Europeans and East Indians, who may have any thing to do with our Criminal "Courts."

24. In the para. of their Report above cited, the Court urge "the neces-"sity that exists of devising some plan by which the constant changes that now "take place of the European Officers in charge of a District may be avoided;" and add, after stating with much force and truth the mischievous consequences of such changes, and enumerating the Districts in which there are or were in 1836, (for there is some misconception or error in one or two entries,*) Acting Magistrates or Session Judges, "that until this system of changing Magistrates "from one District to another is checked, it will be altogether useless to expect "any connected plan of improvement from them."

25. The Governor entirely concurs with the Court in deprecating unnecessary changes, and in lamenting the pernicious effects which changes, however unavoidable, must generally have upon the efficiency of the Police, and of the administration of Criminal Justice. But he fears that the very precarious tenure by which the health of European Officers is held in India, and the necessity of rewarding merit, systematically by promotion to superior office, and not by encreasing the emoluments of the subordinate situation, (a plan which would involve a great encrease of expense, and which could not from the necessity of assigning the highest and most responsible duties to the ablest officers be carried beyond a certain point,) will render it impossible to devise a remedy for the evil.

26. As regards the frequency of changes commented upon by the Court, it appears from a statement which has been compiled in this Office, that whilst thirty-nine Officers employed in the Judicial and Revenue Department took

leave upon Medical Certificate during the three years 1827, 1828, and 1829, no less than thirty-three leaves of absence upon the same score were granted in the single year 1836.—This circumstance alone is sufficient to account for there being nearly three times as many acting appointments in that year as in either of the three first mentioned: add to this, that thirty Officers took leave upon Medical Certificate in the preceding year 1835, some of whom went to Sea or to the Hills, occasioning by their absence officiating appointments in 1836.

27. It would greatly add to the volume of this Letter to examine, district by district, the list submitted by the Court, but a brief analysis will show that in the great majority of cases the existence of acting appointments is a matter of absolute necessity unless the Court are prepared to recommend the abrogation of the rule under which Officers obtaining leave of absence on Medical Certificates, are allowed to retain their appointments. Patna is not now held by an Officiating Magistrate, and when it was last in that predicament, it was so on account of Mr. Jennings' absence on Medical Certificate. Of the other nineteen districts enumerated by the Court, the sixteen specified in the margin* are not in the hands of the Magistrates who stand permanently appointed to them, either because those Officers are themselves absent on Medical Certificate, or because they are acting for other functionaries of superior rank who are in that situation, or, in the third degree, for others who are in the second, or, in the fourth degree, for others who are in the third. Opposite to each district, is entered the name of the Officer whose absence on Medical Certificate has rendered it necessary to provide by an officiating appointment for the performance of his duties.—It will be observed that the absence of Mr. Wigram Money from the Bench of the Sudder Court has caused vacancies of the third and fourth degree in two Magistracies:—Mr. Reid, officiating for Mr. Money, Mr. Macan for Mr. Reid, Mr. Russell, the Magistrate of Nuddea, for Mr. Macan, and Mr. Martin, the Joint Magistrate of Furreedpore, for Mr. Russell. This is, doubtless, very inconvenient, but His Lordship is not aware how such contingencies could be otherwise provided for, with justice either to the public service, or to individuals. Promotion, or, which is much the same thing, the additional emolument and opportunities of distinction afforded by Officiating Appointments, cannot be denied to deserving Officers because their services are very valuable in their substantive appointments. Such a system would be utterly destructive to one great mainspring of exertion, and would be further objectionable as preventing the Government from bringing forward the ablest functionaries for the most difficult and responsible posts, as in the instance above given, for example, Mr. Macan for the Registership of the Sudder, and Mr. Martin for the Magistracy of Nuddea. As regards the remaining three Districts, Mr. Goulsbury, the Magistrate of Purnea, is acting as Additional Judge of Tirhoot; and Dinagepore and Bogoora were under charge of Officiating Magistrates, till the other day, in consequence of Mr. R. Torrens' employment in a similar capacity at

* Behar, ... Mr. R. Williams.
Bhaugulpore, .. Mr Lee Warner.
Subsequently Mr. Dunbar has also obtained leave on Medical Certificate.
Malda, ... Mr. T. C. Scott.
Rungpore, ... Mr. Lee Warner.
Rajshye, ... Mr. C. Bury.
Pubna, ... Mr. Ogilvy.*
Beerbhoom, ... Mr. Golding.
Hooghly, ... Mr. C. Grant.
Burdwan, ... Mr. Harry Nisbet.
Furreedpore, .. Mr. Wigram Money.
Mymensing, .. Mr. James Shaw.
Tipperah, ... Mr. B. Golding.
Nuddea, ... Mr. Wigram Money.
Jessore, ... Mr. T. C. Scott.
Backergunge, Mr. Blunt.
Balasore, ... Mr. T. C. Scott.

* Mr. Ogilvy, from delicate health, is unable to live at a Station where there is not a Medical Officer.

Chittagong. They are now held open for a short time to facilitate an arrangement of much convenience to the public service, and of justice to a deserving officer, but they will both be filled up before the close of the year.

* Sarun, Mr. H. Nisbet.
Bhaugulpore, Mr. Lee Warner.
Sylhet, Mr. Blunt.
Tipperah, Mr. J. Shaw.
24-Purgunnahs, Mr. Blunt.
Cuttack, Mr. R. Williams.

28. All the Session Judgeships named by the Court as held by Acting Officers are in that predicament in consequence of the illness of actual incumbents or of arrangements rendered necessary as above explained by such illness as shewn by the entry in the margin.*

29. The Governor will gladly give his best attention to any practical plan that the Court can propose by which the unquestionably mischievous consequences of the present system (which is any thing but "a saving to the Government Treasury," as supposed by Mr. Macan,) can be obviated without creating still greater evils. But until such a plan can be suggested, he does not anticipate any benefit from mere vague denunciation of the existing state of things,—still less from such over statements as that "almost all the Civil Appointments in "the country are filled by acting men."

See Para. 563 of Balasore.

30. It may be useful to shew in a single instance upon which the Court have specially commented, how entirely even great frequency of change is sometimes beyond the control of the Government. Mr. Scott was appointed Magistrate and Collector of Balasore, on account of his very successful administration of Dacca, and took charge from Mr. Grant on the 1st of June 1836. In August Mr. Scott was taken dangerously ill, and the Commissioner was compelled to place the Assistant at the Station in temporary charge, calling up Mr. Repton from Cuttack, who arrived after Mr. Vansittart had been two days in office. In October, Mr. Repton unhappily lost his wife, and solicited a brief leave of absence, Mr. Vansittart again assumed charge from which he was again relieved on Mr. Repton's return. None of these five changes (not six, as stated by the Court,) could possibly have been avoided under any system.

Relation of convictions to acquittals.

31. The views of His Lordship in regard to the proper relation of convictions to acquittals appear to be in some degree misunderstood by the Court, who seem also to be apprehensive that if the important consideration of protecting the people from being harassed by the Police, or unnecessarily summoned by themselves be much pressed upon the Magistrates, those Officers will be led to commit injustice for the sake of giving a better ostensible appearance to their Returns.

* Dacoity with murder.
Ditto with torture or wounding.
Ditto unattended with aggravating circumstances.
Ditto attempting to commit.
Highway Robbery and other predatory offences with murder.
Ditto ditto with wounding.
Commission Murder.

† *Note.*—In Paragraph 537, the Court state their

32. With the standard now fixed by the Court of equal convictions to acquittals in "heinous offences," taking those to mean the crimes specified in the margin,* ("provided the result of the commitments is generally favourable,") and of two convictions to one acquittal in all other cases,† the Governor is well satisfied as a general measure of competent efficiency. But the Court are, of course, aware, that this standard differs most materially from that upon which their Report for 1835 (noticed by His Lordship in my letter of the 28th of February last,) appears to have been framed, in which they pronounced the aggregate relation of

1251 convictions and commitments to 1064 acquittals in Zillah Patna, and of 930 convictions and commitments to 820 acquittals in Zillah Sarun to be satisfactory, —though the convictions in the latter case were swelled by 64 Police Officers punished for disobedience of orders, and 299 Chowkeydars punished for neglect of duty.

33. In truth, the whole question is one of degree, and in this as in all practical matters, extremes on both sides are carefully to be avoided. If, therefore, there appeared to him to be danger of an extreme on the side of excessive convictions, His Lordship would cordially concur in the opinion expressed by the Court in the passage quoted in the margin* from paragraph 565 of their Report. But in fact, they will find that the standard generally throughout their jurisdiction, notwithstanding the endeavours of His Lordship's predecessor and of himself to raise it, is still very much below that which they have now fixed, and they have furnished proof in paragraphs 622 to 625 of their Report, that the proportion to convictions to acquittals was still more unfavorable before those endeavours were made. As therefore, the proportion of convictions to acquittals throughout the country has not yet been raised even to a near approximation to the standard fixed by the Court as satisfactory, and as it now appears that "Mr. Dunbar's proceedings in Bhaugulpore" were of an exemplary character, instead of deserving reprobation as having been induced by a desire to gain undue credit by misleading the Government, (which was assumed, as an example of the mischief apprehended by the Court,) His Lordship is inclined to think that the danger of mal-administration is still rather on the side of laxity, and consequent harassment to the people, than of an injurious moral influence, from too high requirements on his part on the minds and conduct of the Magistrates.

34. Of the three measures of improvement, suggested in para. 619 of your letter, the first, the separation of the offices of Magistrate and Collector "throughout the Lower Provinces," has already been discussed. The third, the appointment of a Superintendent of Police for that jurisdiction, has been carried into effect; and for the second, the proposed transfer of the remaining Criminal duties, now confided to the Commissioner of Circuit to the Session Judges, separate provision has been made by the recent act of the Legislature; by apportioning those duties between the Session Judges and the Superintendent of Police.

35. His Lordship entirely approves the proposal of the Court, in para. 620 of their Report, to forward, "until the state of Criminal Justice in the "Bengal Provinces shall exhibit a considerable improvement, a brief half yearly "Report on the state of each District," for his information.

36. The Governor requests that the Court will, as they propose, in para. 630 of their Report, direct the Session Judges "to send to the Superintendent "of Police, Official copies of any Abstracts of Trials that they may consider "likely to exhibit the state of the Police in their Districts."

37. It only remains to notice the remarks of the Court in several passages of their Report upon the alleged effect of Regulation II. of 1832. It has not,

opinion that in "petty offences" "the convictions to "the acquittals ought to be "in a ratio of about three to "one." His Lordship does not doubt that this ratio could be obtained by any efficient Magistrates, under favourable circumstances, for Mr. Scott at Dacca brought the general ratio to 5 to 1. Under Mr. Dunbar at Bhaugulpore it was 7 to 1½ last year. Under Mr. James again, tho' the Court designate the proportions exhibited in his Returns as "extremely satisfactory," the general proportion is less than 2 to 1; and it is better in "heinous crimes" (which list appears to include all thefts and burglaries,) than in "petty offences."

* "They agree, however, "with the Commissioner Mr. "Ricketts in his opinion, "that "it would be impolitic "to press too far this prima "facie evidence of insuffi-"cient management,' and "the Court must deprecate "any remarks on the supe-"rior authorities, that may "lead the Magistrate to feel "that he has a direct stake "in the guilt or innocence "of a prisoner, from the "moment he is apprehended; "or to let him suppose that "by the acquittal of the "delinquent his discri-"mination, his judgment "and the propriety of his "conduct would be imme-"diately impugned by this "Court, or by the Govern-"ment. Such a feeling, if "once introduced into the "Magistracy, would lead in "the judgment of the Court "to the most serious conse-"quences,—and would inc-"vitably produce all those "errors that must ensue "from acting on a conti-"nuous and accelerated im-"pulse."

Note.—The average of 1833, 1834 and 1835, is 31,210 convictions and commitments to 31,045 acquittals. The result in 1836 was 34,628 of the former to 28,204 of the latter.

See Paragraph 629.

Regulation II. of 1832.

His Lordship thinks, been proved that that Law has generally tended to encrease crime. On the contrary, it has been shewn, in the instance of Tirhoot, that Burglary and Theft were more prevalent in that District and were committed with more impunity, in the eight years ending with 1828, than during the equal term ending with 1836. But as the latter term embraces the four years 1829, 1830, 1831, and 1832, the Abstract entered opposite paragraph 8 is again transcribed in the margin;* with a third column shewing the results for the four years 1833, 34, 35 and 36, during which Regulation II. of 1832 was, of course, in full operation. The results of the last term are but little worse as regards mere numbers, and considerably better in every other respect than the average of the years 1829 to 1836, and they are very superior to the average of the eight foregoing years. But it would be sufficient for the argument to shew that they have been no worse, for there is certainly less inducement to conceal crime than existed previously to 1832: whilst on the other hand, the people have certainly enjoyed a great benefit,—the Police being as it is, —in exemption from its harassing, vexatious, and expensive interference.

*	Average of Burglaries and Thefts.	Ditto of Persons Apprehended.	Ditto of Persons Convicted.	Ditto of Property Stolen. Rupees.	Ditto of Property Recovered. Rupees.
1821 to 1828	1886	229	131	23,953	1,819
1829 to 1836	1569	381	210	22,058	2,501
1833 to 1836	1671	416	237	21,647	3,468

Average of four years, ending with 1832, 305

Average of four years, ending with 1836, 1557

38. In Central Cuttack, another District specially referred to by the Court, there has certainly been a very great encrease both of Burglary and Theft, and Mr. Ricketts and Mr. Mills, both highly intelligent officers, and both, especially the former, possessed of much local experience, concur in attributing the circumstance mainly to the enactment of Regulation II. of 1832. Mr. Ricketts adds, however, to his opinion to that effect, the passage quoted in the margin.*

* "Another cause of the "increase in the number of "Burglaries, or rather in "the number reported, is the "abolition of corporal pu-"nishment. A Chowkeedar "within whose beat a bur-"glary was committed, often "formerly received a flog-"ging if the thieves were "not discovered; without "therefore a fair chance of "detecting them appeared, "the Chowkeedar would "endeavour to prevent the "Police hearing of the rob-"bery. He was nearly "certain of being flogged if "he reported,—there was "always a chance of its not "being heard of,—he might "gain and could not lose, he "often wisely held his "tongue."

39. In one important District, therefore, matters appear, as far as the Returns can be depended upon,—to have improved since the enactment of Regulation II. of 1832; in another there has been, on the like authority, decided deterioration. Neither result, in His Lordship's judgment, ought to affect the decision of the question as to the repeal of that enactment.

40. The small number of applications for the assistance of the Police which are made in those Districts where Burglary and Theft are most prevalent, proves that the great bulk of the community prefer the hazard of being robbed, and to submit quietly to the loss when they are robbed, to the exactions of the Police, and the expense, sacrifice of time, and discomfort at attendance upon the Magistrate. It is this state of things, the yet very imperfect arrangments for the administration of Police and Criminal Justice, and the fact that the Police is so bad and so extortionate that their visitations are more dreaded than the loss of property, unattended with gross personal violence, and not the existence of a Law which gives the people the option of seeking redress or going without it, which is really a stigma to the existing system of Government. There is abundant proof, (indeed the promptitude with which the people availed themselves of the Law is in itself sufficient,) that this stigma existed long before Regulation II.

of 1832 was passed ; and as to the encouragement of crime, it is difficult to imagine greater than that which was held out in Tirhoot from 1821 to 1828, when only 131 of the perpetrators of 1886 Burglaries and Thefts were convicted, and of Rs. 23,953 stolen, only Rs. 1819 were recovered.

41. It is clear, therefore, to His Lordship, that until a great reform both of the Police and of the administration of Criminal Justice have been effected, the Government will not be justified in taking from the people the protection afforded them by Regulation II. of 1832. At the same time, he is very sensible of the discredit involved in the existence, however necessary, of such a Law ; and he trusts that one of the first results of the labours of the Police Committee will be to place matters upon such a footing as to reconcile the contest with crime with all the social interests of the community.

42. The Governor proceeds to remark upon those Districts which appear either from their condition, or from the tenor of the Court's observations on them, to demand special notice.

ZILLAH BEHAR.

43. This District has manifestly been long in a very unsatisfactory state, and it is to be regretted that both from the extreme delay of the late Commissioner, Mr. Tucker, in furnishing his periodical Police Reports, (those for the whole year 1835 and for the first half of 1836, not having reached this Department together till February last,) and from the long omission of the Court to submit their Reports upon Criminal Justice, (that under acknowledgment being the first which from the relation of the date of its receipt to the term on which it treats, has been of practical use,) the Government has not been enabled to take much earlier remedial measures.

44. An Officer, Mr. W. Onslow, has recently been appointed to the separate charge of the Magistracy.

45. It is very remarkable, and a proof that such representations should be carefully tested by the returns made to other Departments before they are admitted to prove anything against a system, which ought to be judged upon general grounds alone, or, indeed in many instances, any thing more than the inefficiency of the individual,—that Mr. Hathorn, whom the Court quote as declaring his opinion, "from the experience of two years and a half, that the union of the "offices of Collector and Magistrate is alike prejudicial to the interest of "the Government and the people," has given great dissatisfaction to the Sudder Board and the Government in the execution of his Fiscal functions ; and that Mr. I. C. Brown, whom the Court's Letter of the 28th of July last has shewn to have very much neglected his Civil duties, has pleaded "want of leisure, owing "to the heavy current duties in the Civil Court," as well as "the numerous trials in the Session Court," as his excuse for having forwarded the Criminal Statements without any Report, after a delay of several months. It will be found

Note.—Mr. Hathorn states that his Assistant, Mr. Houlton, was "removed to another Department of the Service," when, in fact, he had relieved Mr. Hathorn of the charge of the Khas Mehals, the most arduous, and, perhaps, the most responsible of his Revenue duties.

impossible so to subdivide duties, as to prevent those who fail to perform them with efficiency from asserting them to be too various or too heavy.

ZILLAH PATNA.

46. A separate Officer has now charge of this District. The number (749) of Burglaries and Thefts in the City of Patna, immediately under the eye of the Magistrate, of which only 140 were enquired into by the Police, has attracted His Lordship's notice. Under such circumstances, the Magistrate ought, undoubtly, to exercise with judgment, and with close personal superintendence of the measure, the discretionary power with which he is invested by the proviso at the end of Clause 2, Section II. Regulation II. of 1832.

47. The concluding sentences of the Court's remarks upon the administration of Criminal Justice in this District are copied in the margin.* His Lordship cannot find that there were more than four changes during the year, and there was none between the 19th of February and the 19th of November, when the late Mr. Jennings took leave upon Medical Certificate. Their representation of that Officer's inability from inexperience to manage "the Magistracy of this large city," would have been very useful if furnished during his life; for when he was removed from the Collectorship at the instance of Sudder Board, Mr. Commissioner Tucker declared in reply to a special requisition from His Lordship on the subject, that he could not say without further trial, whether he was not competent to perform the duties of the Magistracy, and recommended that the Commissioner and Session Judge should be required to make a special report upon the point at the end of the year. This was ordered, but Mr. Jennings took leave in ill health in November, and did not live to rejoin his appointment.

* "The Court however are not surprised at this state of things, seeing that no less than five Officers have successively held the situation of Magistrate during the past year,—and that the charge of the Magistracy of this large City, was during the great portion of that period, in the hands of an Officer, now no more, a gentleman who had had no experience whatever in the Criminal Department having been generally employed previously in the customs and Revenue branch of the Service."

ZILLAH SARUN.

48. The Court will be glad to learn that the heavy duties of the Magistrate of this District have been much lightened by the appointment of a Joint Magistrate, Mr. C. Quintin,—to Sircar Chumparun,—who will have independent charge of all the country to the north of Gunduck River, where are situated eight out of the nineteen Thannahs of the District. The grounds upon which this measure was deemed necessary are stated in the paragraph of my letter to Mr. Commissioner Davidson, dated the 18th April last, quoted in the margin.*

* "As regards the first "point [the appointment of "an independent Joint Ma-"gistrate and Deputy Col-"lector to Sircar Chumpa-"run] His Lordship is "convinced, by the argu-"ments urged by the late "Commissioner in paras. "16 to 23 of his Report "dated the 8th ultimo, and "by Mr. Brownlow's letter "of the 9th of April last to "which it gave cover, that "the measure proposed is "indispensably necessary to "render the protection of "life and property afforded "by a Police, calculated to "cost the Government and "the people Rupees 50,000 "per annum, more than no-"minal. Mr Tucker states "that 'the distance from "Chuprah to Ramnuggur "and Bogha, the two "northernmost Thannahs "[in Chumparun] is com-"puted at 130 miles;'"

ZILLAH SHAHABAD.

49. This District is now, His Lordship trusts, in very efficient hands—Mr. Sandys, the late Acting Magistrate, whom the Court deem to want longer experience has this month been ten years in the country.

ZILLAH BHAUGULPORE.

50. The Governor has great satisfaction in finding that Mr. Dunbar has "fully exonerated himself," in the Court's judgment, from the allegations, on

which their animadversions were founded, advanced against him by Mr. Officiating Commissioner Brown. His Lordship regrets that that Officer should have hastily made a charge, which has exposed a meritorious Officer to very painful suspicion.

"and 'it is certainly' as he "adds, 'quite preposterous "to suppose that the Magis- "trate can exercise any "efficient control over the "local Officers or the Police "generally at such a dis- "tance from his head-quar- "ters. 260 miles of road must "be passed over ere the "Magistrate can obtain any "desired information from "the Darogha and vice "versa' He proceeds, "'We have neither Tele- "graphs nor Steamers in "these parts, and a Napa- "lese army might be in the "heart of the District before "the Magistrate received "information that they had "crossed the boundary.'"

See letter of 18th ultimo.

ZILLAH TIRHOOT.

51. A separate Magistrate, Mr. W. T. Trotter, has been appointed to this District, upon the state of which, with reference to foregoing paragraphs of this letter, and to the Court's explanatory Resolution of the 5th of July last, no further observations are called for.

ZILLAH DINAGEPORE.

52. His Lordship is happy to learn that the Court have observed "considerable improvement in Dinagepore, since Mr. Bentall has been in charge" of it.

ZILLAH RAJSHAHYE.

53. The circumstances of predial disturbance to which the Court refer in para. 130 of your Report, expressing their persuasion "that measures have been "taken to prevent the recurrence of scenes so very discreditable to the Magis- "tracy of the District," have conduced with other considerations to impress upon His Lordship's mind the importance of attending more than has hitherto been the case to the organization and discipline of the Police force in each District. That subject will, doubtless, occupy a primary place in the consultations of the Police Committee. With regard to Rajshahye in particular, I am directed to add that neither the late Governor nor His Lordship, on a review of the case, as reported by the Commissioner, considered the Magistrate in charge of the District at the time of the outbreak, blameable to any serious extent.

54. The Governor will not fail to keep in mind the Court's recommendation in regard to the separation of the Magistracy from the Collectorate of this District. His sentiments with respect to a similar proposal regarding Pubna were communicated to the Court in my Letter of the 27th June last.

ZILLAH RUNGPORE.

55. Much credit appears to be due to Mr. James for his successful administration of this District.

ZILLAH MOORSHEDABAD.

56. A separate Magistrate has been appointed to this Zillah, Mr. W. H. Elliott, of whose services at Bancoora the Court speak favourably.

ZILLAH BURDWAN.

57. A like arrangement will be made in Burdwan, as soon as the Magistracy and Collectorship can be vacated.

ZILLAH HOOGHLY.

58. The Court remark at para. 350 that "the Statements now submitted "evince (corroborated by other circumstances) a deficiency of experience, and a "want of system, on the part of the present Magistrate, Mr. Samuells." From the reports of that young Officer, which have been before His Lordship, he is disposed to form a very favorable opinion both of his ability and judgment; and he does not doubt that he will give the Court satisfaction in future.

ZILLAH DACCA AND FURREEDPORE.

59. These Districts appear to have been very ably administered by Messrs. Scott and W. H. Martin. The Court's recommendation that the Joint Magistracy of Furreedpore should be separated from the Deputy Collectorship, has already been noticed.

ZILLAH SYLHET.

60. The favorable opinion of the Court in regard to the state of Sylhet is the more honorable to Mr. Mytton, because that Officer's Fiscal duties in a District, the permanent settlement of which was made, in fact, Ryotwar, are peculiarly heavy. This case affords another proof that with ability and energy it will very seldom be found impracticable for a Magistrate and Collector to give satisfaction to his superiors in both Departments.

ZILLAH CHITTAGONG.

61. His Lordship has stated in my separate letter of 12th ultimo, that circumstances will not permit him to accede to the Court's recommendation, that the Magistracy of this District should be immediately separated from the Collectorship. But the hands of the Magistrate and Collector will be strengthened.

62. With reference to your separate letter of the 21st of July, No. 2326, I am directed to state that although Mr. Commissioner Dampier appears to have shewn that there was no want of attention on his part to the Police or Criminal business of the District in regard to the case of atrocious Dacoity which formed the principal groundwork of the Court's remarks in paras. 13 and 14 of the Resolution on the Criminal Statements of Zillah Chittagong for 1836, that Officer certainly acted irregularly, and without due respect to the Court, in forwarding his explanation, which ought to have been submitted to them, direct to this Department.

See paras. 418, 427, and 428 of the Report.

JOINT MAGISTRACY OF BULLOOAH.

63. The passage quoted in the margin,* is extracted from the Court's General Remarks upon this Joint Magistracy. Mr. Bruce could have been absent from the Sudder Station on Revenue duties [at other seasons impracticable,] only

* "Mr. Bruce, the Officiating Joint Magistrate, "appears to be employed in "the interior of the District "on Revenue duties, the

for a short time at the end of the year unless indeed he were engaged in visiting the insular parts of his jurisdiction which has been specially directed, [Bungalows having been recently erected for the Court of the Joint Magistrate on each of the three principal Islands;] and Mr. Kemp whose competence to take charge of "the details" of the office during the temporary absence of his superior the Court question on the ground of inexperience, has been attached to the District since July 1833.

"details of the Joint Magistracy being entrusted to Mr. Kemp, the Assistant, who was vested with the powers of Joint Magistrate on the 3d of December last, an arrangement the Court cannot consider as likely to tend to the improvement of the Criminal business of this Joint Magistracy, Mr. Kemp having had very little experience, and being placed in charge of considerable importance without being able to obtain the immediate assistance and advice of his official superior."

ZILLAH JESSORE.

64. The recommendation of the Court that the Magistracy should be separated from the Collectorship in this District will be borne in mind; but Mr. Donnelly's success in administering the double duties [that officer having given fully as much satisfaction to the Sudder Board of Revenue as to the Court,] adds another proof to the many already adduced in this letter that where there is failure, it is attributable except in extreme cases to defects in the individual rather than to the system.

ZILLAH BACKERGUNGE.

65. The state of things in this District is remarkable. There have been outrageous breaches of the law, but there has also been very vigorous assertion of it. The perpetrators of each of the three offences of "attack and plunder" described by the Court at para. 504 of their Report appear to have been brought to justice; and the Returns shew that merely three hundred persons have been sentenced to imprisonment for periods of one year and upwards,—most of whom would seem to have been convicted of the violent outrages above referred to. Such example having been made and the attention of the local authorities directed to the subject, it may reasonably be hoped that the lawless spirit out of which these enormities have sprung will be effectually suppressed: if the contrary should prove to be the case, the attention of the Superintendent of Police will be specially directed to this District,—which, however, in all other respects appears to be in a very satisfactory state.

Note.—His Lordship gathers from the last Report of the Commissioner of Circuit dated the 18th of April last, that one hundred and ninety persons were convicted of "attack and plunder." On the 23d of May, Mr. Commissioner Pigou was required to report "what the crime has been; when it originated to what classes of society the instigators, perpetrators and sufferers severally belong; whether any of the former have been convicted, and whether any pecuniary satisfaction has been awarded to the latter at the expense of the influential individuals by whom they have been so grievously wronged."

ZILLAH NUDDEA.

66. The bad state of affairs in this District, commented on by the Court, having been duly brought to the notice of the Governor by the periodical Reports of the Commissioner, the most efficient Officer available, Mr. W. H. Martin was deputed to take charge of it, and subsequent Returns shew that he has already effected considerable improvement in some essential respects.

ZILLAH 24-PERGUNNAHS.

67. The administration of this District appears to be very satisfactory, and highly creditable to Mr. Patton. His Lordship observes that the general relation of convictions and commitments to acquittals is 2081 to 309, and that in heinous

crimes the proportion stands 189 to 93. When such results are obtainable by one Officer, and the Returns rendered by many others exhibit the aggregate convictions below, equal to, or very little in excess of the aggregate acquittals, the hazard of holding up Mr. Patton's or Mr. Dunbar's proceedings in this respect as an example to less successful Magistrates cannot, surely, be so great as to render it advisable to pass "sub silentio" the evils suffered by the community from laxity of administration in regard to apprehensions and summonses,—which crowd the other scale, lest the zeal of the magisterial body should be too highly excited.

68. The passage quoted in the margin* from His Lordship's orders upon Mr. Commissioner Pigou's Police Report for the last six months of 1836 will be satisfactory to the Court, as shewing to how considerable an extent atrocious crime affecting life and property has been suppressed in the Division composed of the four Districts last above mentioned.

* "His Lordship has perused your present Report, with much satisfaction and considers your conviction that a material improvement has taken place throughout your Division, but especially in the 24-Pergunnahs, Jessore, and Backergunge, to be well founded. In these three Districts only one Dacoity and that unattended with aggravating circumstances was committed during the half year under review; in the whole Division there were only nine, and none of them accompanied with murder. Nor throughout the Division, was there a single highway robbery or other offence against property, attended with murder committed. Two affrays with loss of life, were perpetrated in Jessore, and one in Backergunge, none in the 24-Pergunnahs, Baraset, or Nuddea. Compared with the state of things in former years, and taking into account the extent and dense population of the Division, the Returns must be considered generally satisfactory in regard to heinous crimes."

ZILLAH MIDNAPORE.

69. The Magistracy has been separated from the Collectorship in this District, including the dependency of Hidgellee. But there has been much suffering among the lower classes from calamities of season, in several parts of the jurisdiction, and His Lordship fears that crime is very rife.

70. The Governor regrets that neither Mr. D. Money, nor Mr. Gilmore should have given satisfaction to the Court. They state especially in para. 603, that "the commitments were generally very badly made, evincing a great want of experience and deficiency of judgment on the part of the Joint Magistrate of Midnapore, Mr. Money, and the Joint Magistrate of Hidgellee, Mr. Gilmore."

71. His Lordship remarks that both the Officers abovementioned have been more than eight years in the country, and ought not therefore, to be incompetent, from want of experience, to conduct the duties of a Magistracy. Mr. Money has been removed to an easier jurisdiction. Mr. Gilmore is now Magistrate of Midnapore and Hidgellee, without any other duties. The Court are requested to state in their Report for 1837, or earlier, if need be, whether he have proved himself qualified, on trial to discharge efficiently the functions of that office.

See para. 14 of this letter.

72. Mr. Dick's observations on the prevalence of Dacoity in Midnapore have already been commented on. The general tenor of his Jail Delivery Statements quoted largely by the Court, is not such as to lead His Lordship to rely with especial confidence upon his views, one of which above alluded to has been shewn to be erroneous. And the Statement contained in Mr. Commissioner Ricketts' letter of the 22d of July last, forwarded to the Court on the 1st of August last, which shews that of fifty-six persons convicted of Dacoity since the 28th of September 1835, only fourteen have been sentenced to imprisonment for a longer term than ten years, certainly renders it doubtful whether Mr. Dick's administration of the Session Judgeship may not have in some degree generated

the state of things which he denounces in what Mr. Ricketts truly calls "an "exaggerated representation of the state of affairs."

73. I am instructed to add with reference to paragraphs 35, and 608, 609 and 610 of your Report, that His Lordship is confident that Mr. Ricketts' conduct in the matter complained of by the Court, was not intentionally disrespectful. At the same time, he has manifestly omitted to perform an important duty. He will doubtless repair it as far as possible by a prompt and satisfactory Report upon the administration of Criminal Justice in Cuttack during the year 1837.

74. The Court consider the Districts noted in the margin* to be in bad order. Those of which they deem the state to be especially unsatisfactory are marked with an asterisk. Purnea, Mymensing, Backergunge and Jessore, are ranked as indifferent; though His Lordship should have thought that the latter, as indeed Backergunge also, [except as regards the prevalence of a particular crime, the perpetrators of which have to a great number been convicted and punished,] would with reference to the extreme frequency of dacoities and sanguinary affrays in former years, have been regarded as in a generally satisfactory condition. In Bhaugulpore, Monghyr, Rungpore, Bugguora, Bancoora, Dacca, Furreedpore, Sylhet, the 24-Pergunnahs, Baraset, and the three Districts of Cuttack, [with a reservation on account of the prevalence of Burglary and Theft,] the administration of Criminal Justice is pronounced to be efficient.

* Patna.
Shahabad.
Sarun *
Behar.*
Tirhoot *
Dinagepore.
Malda.
Rajshahye.
Pubna.
Moorshedabad.*
Beerbhoom.
Hooghly.
Burdwan.*
Tipperah.*
Noacolly.*
Chittagong *
Nuddeah.*
Midnapore*
and
Hidgellee.*

75. The Magistrates and Joint Magistrates who appear to be entitled to commendation for their successful exertions in the discharge of their arduous duties are named in the margin.* All but Messrs. James and Patton had revenue functions to discharge, which in some instances have been laborious, and in all satisfactorily performed.

* Mr. Dunbar.
„ Lang.
„ James.
„ T. Taylor.
„ Yule.
„ W. H. Elliott.
„ T. C. Scott.
„ W H. Martin.
„ Mytton.
„ Donnelly.
„ Stainforth.
„ Lowth.
„ Patton.
„ Battye.
„ Mills.
„ W. Wilkinson.

76. Of the Districts in an unsatisfactory state, Patna, Behar, Tirhoot, Moorshedabad, Midnapore, and Hidgellee have been provided with separate Magistrates. The excessive size of Zillah Sarun has been remedied by the appointment of a Joint Magistrate to Sircar Chumparun. Shahabad, Dinagepore, Rajshaye, Tipperah and Nuddeah are, His Lordship believes, in the hands of Officers well qualified to rectify what has been amiss. It is his intention to appoint a separate Magistrate to Burdwan at the earliest opportunity; and to afford additional aid to the Magistrate and Collector of Chittagong. There remain only Malda, Pubna, Beerbhoom, and Hooghly. The two latter have separate Magistrates, who ought assuredly to be able to do full justice to their appointments; the two former are not in the hands of the Officers who held them in 1836, the Governor hopes for improvement under the vigilant supervision of the Court in all.

77. In conclusion, I am directed to convey to the Court His Lordship's acknowledgments of their zealous and successful endeavours to meet the wishes of Government in drawing up with such manifest care and attention, the Report

upon Criminal Justice before him. It is a document of much value as containing a great body of very valuable statistical information, and he doubts not that it will be duly appreciated by the authorities in England, to whom he will forward it at an early date.

I am, &c.

ROSS D. MANGLES,

Secy. to the Govt. of Bengal.

P. S. The Original Statements which accompanied Mr. Macan's letters of the 9th and 16th June last, are herewith returned.

FINIS.

Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

(No. 3249.)

To F. J. HALLIDAY, Esq.

Officiating Secretary to the Government of Bengal

in the Judicial Department.

Sir,

NIZAMUT ADAWLUT.

Present.
W. Braddon, *Judge,*
D. C. Smyth, *Temporary Judge,*
J. R. Hutchinson,
C. Harding, *Offg. Judges,*
and
J. F. M. Reid, *Offg. Tempy. Judge*
} Esquires.

I am directed by the Court, to acknowledge the receipt of Mr. Secretary Mangles' letter No. 1966, of the 10th ultimo, being the observations and remarks of the Right Honorable the Governor of Bengal on the Court's Annual Report upon the administration of Criminal Justice for the year 1836.

2. The Court notice with satisfaction, that this report has been considered by the Right Honorable the Governor as a document of much value, and they learn with pleasure that, in His Lordship's opinion, their endeavours to meet the wishes of Government, in drawing up this Annual Statement, has been attended with such complete success.

3. The Court also remark with great satisfaction, that of the four principal measures of improvement suggested by them; viz. the appointment of a Superintendent of Police—the transfer of the remaining criminal duties from the Commissioner of Circuit to the Session Judges—the nomination of a Committee for the purpose of enquiring into the present state of the Police, and the separation of the offices of Magistrate and Collector—three have been already carried into effect; and that, as regards the separation of the offices of Magistrate and Collector, separate Magistrates have been nominated to the Districts noted in the margin*; that His Lordship further proposes to appoint a separate Magistrate to Burdwan, and that the Governor will not fail to bear in mind the recommendation of the Court, that similar arrangements may take place in Jessore, Pubna and Furreedpore.

* Patna, Behar, Tirhoot, Moorshedabad, Midnapore and Hidgelee.

Note.—Separate Magistrates have also charge of Rungpoor, Beerbhoom, Hooghly and the 24-Pergunnahs.

4. Under these circumstances, the Court do not think that it would be becoming on their part, or tend to the benefit of the public service, to discuss many of the positions assumed in Mr. Mangles' letter now under acknowledgement; particularly the remarks relating to the convictions and acquittals, to the necessity that exists for the present extent of the acting system, or to the consequences that have followed the enactment of Regulation II. 1832. "They are willing to leave these secondary points for the future consideration of Government, feeling satisfied that further investigation will shew that their observations are founded on a correct knowledge of the existing state of things in the interior of the country."

5. With reference however to the remarks and figured statements contained in the 3rd and following paragraphs of Mr. Secretary Mangles' letter, and parti-

* "On the whole therefore the Governor is inclined to think that no case of decided and general deterioration in the efficiency of the Police, has been or can be substantiated."

† 3rd. Notwithstanding that these tabular Statements were called for so long ago as the 10th July, 1835, several of the Commissioners and Local Officers have neglected to supply the information required—the general excuse for failure being the arduous nature of the double duties they have to perform, or the time occupied by their fiscal occupations. Very few of those who have supplied the returns, have given correct ones; so that the general result at present is so unsatisfactory as to preclude in a very great measure, the transmission to Government of those details, which would go farther to prove the sufficiency of the arguments in favor of the one or of the other system, than whole pages of discussion.

Dated 19th October, 1836.

cularly with reference to the Extract from the 15th paragraph, as noted in the margin,* I am directed by the Court to state, that they must entirely disclaim any desire of substantiating "a case," tending to shew a general deterioration in the Police. The object of the Court was to draw up a faithful report of the existing state of the administration of criminal justice, to point out every failure in the present system, and to suggest such practical remedies as their experience might enable them to do. The Extract from Mr. Halhed's Minute, as noted in the margin† shewed so very clearly, that the tabular Statements received from the Commissioners and Local Officers were not to be depended upon, that the Court studiously avoided expressing any opinion, founded on an examination of those returns regarding the relative advantages or defects of the former and present system.

6th. As this subject has however been directly alluded to in Mr. Mangles' letter of the 10th ultimo, the Court would ill perform their duty to Government, if they did not explicitly state that the system of Police and Criminal Justice introduced by Regulation I. of 1829, has, as far as the Lower Provinces are concerned, been found on trial to be a failure.

7. The grounds on which the Court form this opinion are principally as follows:—1st, The enactment of Regulation VII. 1831, by which the duties of the Sessions were transferred to the Zillah Judges for the avowed purpose of enabling the Commissioners to devote more time to their revenue duties—2dly, The enactment of Act VII. 1835, by which the whole of the duties connected with the Criminal Justice were next made transferrable from the Commissioners to the Session Judges—3rdly, The re-establishment of the office of Superintendent of Police by Act XXIV. 1837, which office had been abolished by Regulation I. of 1829, thereby shewing that the superintendence of the Police by the Commissioners had not been satisfactory—4thly, The necessity that has now arisen of appointing separate Magistrates in several of the principal Districts in Bengal, thereby indicating that the union of the offices of Magistrate and Collector has been found prejudicial both to the interests of the Government and of the people—5thly, The abolition of some Commissionerships, and the constant changes that have taken place in the jurisdiction of others, the district of Hooghly for instance having been successively attached to three Divisions,* and the parties, dissatisfied with the orders of the Collector or the Magistrate, having had to appeal successively to Burdwan, Alipore, and Moorshedabad—6thly, The impossibility of submitting the Annual Criminal Reports from this office in due time to Government, arising solely, as has been already repeatedly stated,† from the impracticability of getting the returns even from the Commissioners, unaccompanied by any report on the state of their Divisions; thus precluding the Court, until the year 1836, from submitting any useful remarks, regarding the working of the system, or of offering any observations whatever on the success or otherwise that had attended the exertions of the Magistracy—and lastly, The nomination of a Committee by Government, as recommended in the Court's letter of the 26th May 1837, No. 1424, for the express purpose of drawing up a plan for the more efficient organi-

* 20th.
18th.
14th.

† Vide Para. 17
16th December, 1836.
No 2951
Para. 260 and 261.
30th December, 1836
No. 3143.

zation of that Police which had been pronounced by Lord Hastings in his Judicial Minute of the 2nd October 1815, "to fall very little short of the best organized systems of Europe," and which, although at a much later date, viz. before the Select Committee of the House of Lords in 1830, was declared "not to the inferior to that existing in any part of the world," is now officially announced to the Court to be "so bad and so extortionate that their visitations are more dreaded than the loss of property unattended with gross personal violence."

I am,

Sir,

Your obedient humble Servant,

J. HAWKINS, *Offg. Register.*

Fort William, the 3rd November, 1837.

Government of Bengal.
Judical Department.
Criminal.
The 10th April, 1838.

Read again the Criminal Proceedings of the 10th October, 1837.

Read a Letter [No. 3249] from the Officiating Register of the Nizamut Adawlut, dated the 3d November, 1837.

1. Having resolved upon printing for distribution to the authorities concerned, the Sudder Court's Report upon Criminal Justice for the year 1836, together with the orders issued thereon by the Right Hon'ble the Governor of Bengal, under date the 10th of October last, the Deputy Governor considers it proper to record the following observations upon the Court's reply to those orders, dated the 3d of November last.

2. Upon paragraphs 5, 6 and 7 of the Court's Letter, [which, as most requiring examination, are noticed in the first instance] his Honor remarks that, although his Lordship the Governor had certainly no intention of using the expressions quoted in the margin,* with any implication of the nature which the Court disclaim, and probably referred in a great measure to the careful analysis and comparison to which he had himself subjected the Returns for several years, under the old and new systems respectively; it is nevertheless manifest, not only from the use of the word "re-establishing" in the passage referred to by his Lordship, as copied on the margin,† but from the general tenor of their Report, that it was written under a foregone conclusion on the part of the Court, that the Police and the general administration of Criminal Justice had become very much worse under the existing, than it was under the former system.

* "On the whole therefore "the Governor is inclined "to think that no case of "decided and general dete-"rioration in the efficiency "of the Police has or can "be established."

† "The Court feel satisfied "that the mass of informa-"tion contained in the pre-"sent Report will furnish "his Lordship's Govern-"ment with the most con-"clusive evidence regarding "the inefficiency of the pre-"sent arrangements, and "the necessity that exists "for re-establishing, without "any further delay, an effi-"cient system of Police and "of Criminal Justice, cal-"culated to promote the "confidence, and to ensure "the happiness of the peo-"ple"

3. The Court now "explicitly state" their opinion, "that the system of Police "and Criminal Justice introduced by Regulation I. of 1829, has, as far as the "Lower Provinces are concerned, been found on trial to be a failure."

4. "The grounds on which the Court form this opinion" are stated under seven distinct heads, in paragraph 7 of their letter. The first five relate to the several changes of jurisdiction that have been made since the date of the Law of 1829, above cited, the sixth to the laches of the Commissioners in furnishing them with the prescribed periodical Returns, and the seventh to the nomination of a Committee to devise the means for the more efficient organization of that Police, which the Court assume, on the evidence which they quote, to have been previously "very little short of the best organized systems of Europe."

5. But the question discussed by his Lordship in his orders of the 10th of October, was not, whether the system introduced by Regulation I. of 1829, had proved a failure in the sense which the first six proofs adduced by the Court are intended to substantiate, i. e. that it has been found necessary from time to time to modify, and eventually almost entirely to alter that system, [without, however, by any means going back to that which previously obtained, and which the actual state of things resembles in the sole feature of the existence of a Superintendent of Police;] but whether the returns for 1836, compared with those for several years under the old system, bore out the assumption of the Court throughout their Report for that year, and especially in the passage above quoted, that all that was needed to place the Police and the administration of Criminal Justice upon a satisfactory footing, was the "re-establishment" of a foregone order of things. At a time when a Police Committee was about to sit to devise the best means of improving the Police, and when it was desired, as the printed papers, and Mr. Secretary Mangles' Circular Letter of the 27th of September in particular, evince, to direct their attention principally to points of weakness, (such as the inadequate salaries of the native officers of Police, and the ineffective general organization of that body,) which were equally existent, and to objects of amelioration, which were as great desiderata, under the system which obtained previously to 1829 as under that which succeeded it; his Lordship justly deemed it necessary to obviate the risk that the Committee should be misled by the erroneous assumptions of so high an authority as the Sudder Court, by shewing that the closest examination of the best evidence available could elicit no proof of any practical deterioration.

6. The entire absence of this proof of deterioration has been satisfactorily demonstrated by paras. 3 et sequitur of Mr. Secretary Mangles' Letter of the 10th of October last. Still more clearly do the papers recently printed, and especially the evidence taken by the Police Committee, prove that the causes of the inefficiency of the Police, and of the defects in the administration of Criminal Justice, lie far too deep to have been affected, either for good or for evil, in any degree worthy of mention, by the change of system which took place in 1829. Those causes,—of which the most influential would seem to be the enormous size of the jurisdictions of the Magistrates and Session Judges,—a circumstance often inflicting upon prosecutors and witnesses greater privations, losses, and sufferings, than the law inflicts upon

convicted criminals,—the over pressure of official labour upon the former functionaries, the insufficient remuneration of the stipendiary Police, (with the long train of mischievous consequences described in the passage quoted on the margin* from the evidence given before the Police Committee by Baboo Dwarkanauth Tagore,) and the utter inefficiency of the Chowkedarry establishment, where it is maintained at all,—all these causes operated just as powerfully, and with as ruinous effect upon general prosperity and individual happiness, when the presiding officer was called Judge and Magistrate, as now that he is denominated Magistrate and Collector. Then, as now, indeed, officers of ability and energy were able, in some small degree, to mitigate the intensity of the evils inherent in the circumstances of the country, of the Government, of the Laws, and of their administration; to afford the people some protection both from the evil-disposed among themselves, and from the subordinate agents employed to further that end; and to obviate as far as possible, by a rapid dispatch of business, and by unwearied devotion to it, the natural reluctance of injured persons to seek redress from an officer residing often at a distance of several days journey, and quite unable to cope with his over burthensome functions. But such efforts, then, as now, could effect nothing beyond mitigation; and they effected this, under the system which obtained till 1829, at the expense of the most mischievous, though unavoidable, neglect by the Judges and Magistrates of the administration of Civil Justice, in the efficiency of which, more than even in that of the Police, the well-being of the community is involved.

* 263. "You have had then many opportunities of observing the condition of the Police—state what you think of it?—I think that from the Darogah to the lowest peon, the whole of them are a corrupt set of people,—a single case could not be got out of their hands without paying money—the wealthy always get advantage over the poor. In quarrels between Zumeendars and Indigo Planters large sums are expended to bribe these people,—when any report is called for by the Magistrate from the Darogahs, even in a true case, that report could not be obtained without paying a large sum of money; and should the case be between two rich parties, the richest, or he who pays the highest, would get the report in his favor. If a jemadar or peon is sent to a village for any enquiry, there is immediately a tax levied by them from all the ryotts of the village through the Gomastah of the Zumeendar, and this mode of extortion has so long prevailed as almost to give it the character of a just demand: so much so that not a single ryott would ever make an objection to pay it. Indeed, they look upon it as an authorized tax. If a decoity takes place in any neighbourhood, the Darogah and all his people will go about the villages, and indiscriminately seize the inhabitants, innocent or culpable, and it often happens that persons so taken, although of the most suspicious character in the particular transaction, are released on some money inducement being given to the officers. Besides the levy of the tax abovementioned, formerly in every petty theft the same process was observed; but since (by Regulation II. of 1832,) that local enquiry is done away with, their perquisites are a little reduced in that quarter. In short, nothing can be done without paying for it whenever they are called upon to interfere.

265. Have the evils above described by you always existed, or are they of recent occurrence?—They have always existed. I do not think they have either increased or decreased, but there has been one improvement, namely, that the Magistrates watch over the subordinate Police officers more strictly than before, and they do not give implicit credit to their reports as in former days, and the latter are now punished for misconduct more frequently than they used to be."

7. The measures undertaken with a view to improve this state of things, which commenced with Regulation I. of 1829, have unquestionably resulted in this much of most important benefit, that the administration of Civil Justice has already been relieved in a great measure from the opprobrium of delay, very little short of absolute denial, under which it previously laboured, and that matters are in the fairest train of still further amelioration. It is certain that in respect to the Police and Criminal Justice, improvement has not proceeded "pari passu"; but this, his Honor believes, whatever mere assertions may be made to the contrary,—is all that can be proved. The changes alluded to by the Court in para. 7 of their letter, prove nothing more than the earnestness with which the Government has striven, from time to time, to do all that was practicable, with the limited Covenanted Agency at its command to meet the wants of the community. But those wants existed, and were just as crying before as after 1829, and the argument in proof of the failure of the system established in that year, brought forward by the Court in the passage quoted on the margin,* makes with fully equal cogency against the system which preceded it. For not only as above pointed out, was the Police at that time as weak to protect the people, and as powerful to harass them as it is at present; but then, as now, matters were so bad in particular Districts, such as Hooghly, Jessore, Burdwan and Nuddea, as to compel the Government to place the Magistracy in the hands of an Officer unencumbered by other avocations. This was as wide a departure from the

* "4th. The necessity, that "has now arisen, of appointing separate Magistrates "in several of the principal "Districts in Bengal—thereby indicating that the "union of the offices of "Magistrate and Collector "has been found prejudicial "both to the interests of the "Government and of the "People."

system that obtained up to 1829, as the instances indicated by the Court are from that then established: in both it would have been far better, *in the abstract*, if the exception could have been made the rule. But the practical difficulty which beset the Government previously to 1829 is equally felt now, [indeed, of late it has been considerably enhanced by the important fiscal operations in progress throughout the Lower Provinces,] to wit, the numerical inadequacy of the Covenanted Service to furnish an efficient Judge, Magistrate and Collector to each, even of the present enormous Districts. Under such circumstances, as explained at length in paras. 16 to 22 of Mr. Secretary Mangles' letter of the 10th of October last, and as doubtless fully adverted to and lamented by the Government which united the Magistracy to the Collectorship in 1829, it only remains so to make use of the available means, as to render every executive department, in all of which efficiency is of vital moment, as efficient as possible; and to devise measures to increase, without undue expense, the amount of executive agency at the command of Government.

8. The last argument urged by the Court to prove deterioration, is the fact that a Committee has been appointed "for the express purpose of drawing up "a plan for the more efficient organization of that Police, which had been "pronounced by Lord Hastings in his Judicial Minute of the 2nd October, 1815, "to fall very little short of the best organized systems of Europe," &c. &c.

9. But the Deputy Governor cannot suppose that the Court mean to advance, as this passage, with its context, would seem to imply, that the state of the Police from 1815 to 1829,—in the former years of which series, heinous crime was far more rife than it has been since the latter date*, when jurisdictions were in all cases as large, and in many larger than at present, and when the subordinate officers of Police were as inadequately paid, and as corrupt and rapacious as they are now,—was incapable of improvement. Doubtless the state of things in 1815, was much better than in 1808, when there were 329 Dacoities in the district of Nuddea alone, [the average of the whole Lower Provinces from 1803 to 1812, being 1204 per annum,] and this, probably, gave rise to Lord Hastings' congratulatory remark, quoted by the Court; but such a remark, though it proves that great improvement is apt to be mistaken, at the moment, for the utmost attainable perfection, is certainly not to be placed in the balance against the evidence of facts and figures.

	1813 to 1817.	1835 and 1836.
* Average of Dacoities,	339	233
Affrays with loss of life,	98	28½

The term from 1813 to 1817 is taken, because Lord Hastings' observations must have been intended to embrace a larger past term than the months of the year in which he wrote.

10. In truth, however, the assembling of a Police Committee had no more connection with the system of 1829, than with that of foregoing years. The correspondence which resulted in that measure originated with a Minute recorded by Mr. Ross in the Sudder Court in January, 1832, upon which, and upon his Minutes of April and May following, the Court of Directors commented in their dispatch of the 20th of January, 1836, earnestly enjoining the Government to take effectual measures "for discontinuing to employ such a class of Agents," (as the Officers of the Mofussil Police, a body altogether unaffected by Regulation I. of 1829,) "and for supplying their places by men of very different qualifications and character."—But Mr. Ross' Minutes [as printed at pages 1 to 9 of the Police

papers,] have no particular reference to this or the other system; he quotes, in support of his views, his own Circuit Report of 1816;* and inserts, for the same purpose, a Statement for the year 1828, "taken from the last Report furnished "by the Superintendent of Police for the Lower Provinces." Indeed, the objects to which Mr. Ross directed the attention of Government in 1832, and with an especial reference to which the Police Committee was constituted, are those described in a foregoing para. of this Resolution, as lying "far too deep to have "been affected, either for good or for evil, in any degree worthy of mention, by the "change of system which took place in 1829."

* As Judge of the Bareilly Court of Circuit.

11. If further evidence to this effect be wanting, the following extract from Mr. Mountstuart Elphinstone's Report on the territories conquered from the Peishwa, will shew how many and how deeply seated,—in the judgment of that eminent statesman, and of those high authorities whom, doubtless, he had consulted on the subject,—are the causes of the inefficiency of the Police of Bengal. Of those causes,—most of which are of unquestionable cogency, even to the present day, —the Court must be well aware how few have been obviated; whilst the effect upon any of them of the change of system made in 1829, must have been minute in the extreme.

"The principal causes to which the disorders" (Dacoities) "in Bengal have "been attributed are the over population, and the consequent degradation and "pusillanimity of the people; the general revolutions of property, in consequence "of our Revenue arrangements, which drove the upper classes to disaffection, and "the lower to desperation; the want of employment to the numerous classes, "whether Military or otherwise, who were maintained by the Native Government; "the abolition of the ancient system of Police in which, besides the usual bad effects "of a general change, were included the removal of responsibility from the Zemin-"dars, the loss of their natural influence as an instrument of Police, the loss of the "services of the Village Watchmen, the loss of a hold over that class which is "naturally disposed to plunder, and, in some cases, the necessity to which indivi-"duals of it were driven to turn robbers, from the resumption of their allowances; "the reparation of the Revenue, Magisterial, Judicial and Military powers, by "which all were weakened; the further weakness of each from the checks imposed "upon it; the delays of trials, the difficulties of conviction, the inadequacy of pun-"ishment, the trouble and expense of prosecuting and giving evidence; the res-"traints imposed by our maxims in the assumption of power by individuals, which, "combined with the dread of the Adawlut, discouraged all from exertion in sup-"port of the Police; the want of an upper class among the natives, which could "take the lead on such occasions; and to conclude, the small number of European "Magistrates who supply the place of the class last mentioned, their wants of con-"nection and communication with the natives, and of knowledge of their language "and character."

12. Para. 4 of the Court's Letter relates to the three following points, discussed in Mr. Secretary Mangles' Letter of the 10th of October last, viz. the proportion of convictions to acquittals,* "the necessity that exists for the present ex-"tent of" (what the Court call) "the acting system,"† and the consequences that have followed the enactment of Regulation II. of 1832.‡

* Paras. 31 to 33.
† Paras 23 to 30.
‡ Paras. 37 to 41.

13. The Court state that "they are willing to leave these secondary points "for the future consideration of Government, feeling satisfied, that further investi- "gation will shew that their observations are founded on a correct knowledge of "the existing state of things in the interior of the Country."

14. But the Deputy Governor remarks that "the existing state of things in "the interior of the country" cannot possibly have any relation to what the Court term "the acting system," the extent of which (mainly dependent upon the number of Officers absent from their stations upon Medical Certificates,) is perfectly known, and its evil consequences appreciated, by the Government. The subject, however, appears to have been exhausted, until a remedy can be devised,—by the orders of the 10th of October last above cited.

15. Upon the subject of Regulation II. of 1832, the Deputy Governor deems it sufficient to remark that the opinions expressed by the Governor, in paras. 37 to 41 of his Orders of the 10th of October last, (with which the sentiments of his Honor are in entire accordance,) are completely borne out by the general tenor of the evidence published by the Police Committee, but especially by the answers to the questions specified on the margin.*

* No. 229, 247, 293, 566, 567, 660, 709, 775.

16. It only remains to notice the point of the relation of convictions to acquittals, and the apprehension expressed by the Court in their Report for 1836,—which they still appear to feel,—that the endeavours of the Government to raise the proportion of the convictions to the apprehensions, or, in other words, to prevent, as far as possible, the arrest of persons who cannot be proved to be guilty, is likely to excite the Magistrates to convict the innocent.

* It cannot be too often repeated that where this license obtains, only a tithe of the mischief done appears upon the surface. None but those who are too poor or too resolute to purchase exemption, are sent in to the Magistrate, who sees and knows nothing of the far larger number from whom money is extorted by the threat that, if they do not pay it they will be forwarded, as suspected criminals,—to the loss of time, comfort and character, to the distant Sudder Station.—See the latter part of Baboo Dwarkanauth Tagore's answer to Question 263 of Police Committee, quoted opposite to para. 6 of this Resolution.

17. The subject has been very fully discussed in paras. 31 to 34 of Mr. Secretary Mangles' Letter of the 10th of October last, and it is only necessary to state here the Deputy Governor's conviction [strengthened, as in other instances, by the evidence taken before the Police Committee, of the intolerable evils which a license of apprehension, comparatively unrestrained, enjoyed by the Mofussil Police, inflicts upon the community,*] that whilst in many Districts the standard of relation is still far below that which the Court regard as satisfactory,—the aggregate convictions being below, equal to, or very little in excess of, the aggregate acquittals,—and whilst the officers named on the margin† (whose general administration of their respective Magistracies the Court highly commend,) find it practicable so to manage their Mofussil Police and their own summonses, as to produce much more favourable results, there is far more danger that innocent parties should suffer from being dragged unnecessarily before the Magistrates, than of their being unjustly punished by those authorities, (in whose uprightness, as a body, his Honor reposes the most entire confidence,) merely to improve the appearance of their periodical Returns.

†	District.	Relation of Convictions to acquittals.
Mr T.C Scott,	Dacca,	5 to 1
Mr. Dunbar,	Bhaugulpore,	7 to 1½
Mr. Patton,	24-Pergunnahs,	10 to 1½

Ordered, that this Resolution be printed, with the other Papers to which it relates, immediately after the Sudder Court's Letter of the 3d of November last.

Ordered, that a copy be sent to the Court for their information.

BENGAL SECRETARIAT LIBRARY

REPORT

OF THE

COURT OF NIZAMUT ADAWLUT,

ON THE

Administration of Criminal Justice

IN THE

Territories subject to the Government of

BENGAL,

FOR THE YEAR

1837.

CALCUTTA:

G. H. HUTTMANN, BENGAL MILITARY ORPHAN PRESS.

1839.

No. 2832.

To F. J. Halliday, Esquire,

Secretary to Government of Bengal,
in the Judicial Department.

Sir,

I am directed by the Court of Nizamut Adawlut, to request that you will lay before His Honor the Deputy Governor of Bengal, the Annual Statements agreeably to the annexed list marked A, connected with the administration of Criminal Justice for the Lower Provinces for the year 1837. The report has been prepared in the same manner as that for the year 1836.

Nizamut Adawlut.
Present.
R. H. Rattray, W. Braddon, } Esquires.
Judges,
W. Money and J. R. Hutchinson, } Esqrs.
Tempy. Judges.

2. The following extract from my dispatch of the 3d August, No. 2287, will shew His Honor the Deputy Governor the number of days that the Court of Nizamut Adawlut was closed, and the names of the Judges who transacted the Criminal business during the year 1837.

"Para. 10. The Court of Sudder Dewanny was closed for 118 days, during the past year, as noted in the margin*—the business of the Court was transacted during the year 1837, by the following Judges :

* Sundays	52
Moharrum	13
Dusserah	30
Other Hindoo and Mahomedan Holidays,	23
	118

Mr. Rattray throughout the year—(absent one month on leave.)

Mr. Braddon throughout the year.

Mr. Halhed resumed his seat in the Court on the 19th December.

Mr. Money from 1st January to the 6th of May, when he proceeded to Singapore for the benefit of his health, and rejoined on the 15th of December.

Mr. Hutchinson did duty as Judge of the Sudder Dewanny Adawlut from 1st January to 1st July 1837, when he was appointed Special Commissioner at Hooghly to investigate certain charges preferred against Mr. C. R. Martin, late Judge of Hooghly. He resumed his seat in the Court on the 10th August, and continued to the end of the year.

Mr. D. C. Smyth from the beginning of the year to the 22d November, when he obtained leave to proceed to England on Furlough.

Mr. F. C. Smith from the commencement of the year to the 10th October, when he was appointed Superintendent of Police in the Lower Provinces.

Mr. C. Harding officiated as Judge of the Court from the 28th February to the end of the year.

Mr. Reid officiated as Temporary Judge in the room of Mr. Money, from 10th May to the close of the year."

3. The number of Criminal Trials, pending, referred, and disposed of during the year 1837, was as follows:—

Pending on 31st December 1836	27
Referred in 1837	260
	287
Decided in the year 1837	234
Pending on 31st December 1837	53

4. The following statement gives the same information with respect to cases called for by the Court either at their English Sittings or by precept on appeal from the orders of the Lower Courts passed in trials, held in the Sessions Courts.

Pending on the 31st December 1836	15
Called for in 1837	130
	145
Decided in 1837	104
Pending on 31st December 1837	41

5. The number of miscellaneous criminal Petitions filed and disposed of in the year 1836, was as follows:—

Pending on the 31st December 1836	24
Admitted in 1837	363
Total	387
Decided in 1837	310
Pending on 31st December 1837	77

The cognizance of the Nizamut Adawlut with respect to cases of a purely miscellaneous nature, other than regular trials, being barred by the provisions of Section III. Regulation IX. 1831, it is necessary to observe that, under the term "miscellaneous" in this statement, are included appeals from the orders of the Session Judges passed by them on appeals preferred from the orders of Magistrates in regular trials.

6. It is also necessary to state that the result of the statement No. 13 now submitted, will not correspond with the aggregate of the numbers of the several

monthly statements forwarded during the year. In the monthly statements an erroneous method of entry prevailed, by which appeals in regular cases were frequently classed with those of a miscellaneous nature, and vice versâ. Attempts have been made to separate the two distinctly in the annual Statements. It is possible however that slight errors may still be found, but which it is hoped will be entirely obviated in future by the mode of entry adopted for appeals of all classes from the commencement of the current year.

7. Of the cases of trials held in the Sessions Courts, called for by the Court, the sentences of the Session Judges were confirmed in 39 trials, and modified or reversed in 65. Of this last number however the reversals were comparatively few, the majority of the cases having been modifications of the sentences of the lower Courts, either in mitigation or enhancement of punishment.

8. Of the miscellaneous petitions 171* were rejected, the Court either having no jurisdiction, or seeing no just grounds for interference—106 applications were withdrawn, and in 33 cases the orders passed by the subordinate Courts were either modified or reversed.

* 13 no jurisdiction.
158 no ground for interference.
171

9. The total number of Criminal trials disposed of by the Court during the year 1837 was 338, on which opinions were recorded by the Judges, as per following statement:

Mr. Rattray recorded his opinion in	78
„ Braddon	124
„ D. C. Smyth	89
„ Money	29
„ Hutchinson	77
„ F. C. Smith	87
„ Harding	63
„ Reid	64
„ Halhed	1
Total	612

10. The above trials included the cases of 690 prisoners who were sentenced as follows:

1. Death	30
2. Transportation for life	9
3. Imprisonment for life	100
4. Imprisonment 14 years	72
5. Imprisonment for 7 and not exceeding 14 years	43
Imprisonment less than 7 years	128
Escaped and re-apprehended and remanded to Jail for the remainder of the term previously awarded, and to be removed to Allipore Jail	35

Acquitted	119
Died in Jail	1
Returned after reference	26
Remaining for trial	127
Total	690

11. The total Criminal business pending in the Court of Nizamut Adawlut on the 31st December 1837, was as follows :

Trials referred	53
Trials called for	41
Miscellaneous petitions	77
	171

	1836	1837
Trials referred	27	53
Trials called for	15	41
Miscellaneous Petitions	24	77
	66	171

To the miscellaneous petitions for 1836, however, should be added 35, which by an error were omitted. This makes the entire balance at the close of 1836 ... 101.

This statement shews an excess of 112 cases to the balance at the close of 1836, which however was not quite correctly given. The correct numbers for both years are given in the margin, which shews the increase of cases pending at the close of 1837, as compared with 1836, to be 70.

12. Special Sessions were held by the undermentioned Commissioners, the results of which are embodied in the separate reports for the several districts :

By Commissioner of 11th Division for Sarun and Shahabad.
" 12th ditto for Tirhoot and Bhaugulpore.
" 13th ditto for Rajshaye.
" 16th ditto for Chittagong.
" 18th ditto for 24 Pergunnahs.

ZILLAH BURDWAN.

13. The Court observe that the District of Burdwan was divided into two separate Districts, the arrangement having been carried into effect on the 1st September last, by placing the jurisdiction of the Joint Magistrate of Bancoorah with the exception of two Tannahs transferred to Beerbhoom, under a separate Session Judge, denominated Session Judge of West Burdwan.

14. Mr. F. Skipwith officiated as Magistrate of Burdwan from 1st January to 12th May, when he was relieved by Mr. J. B. Ogilvie, who conducted the duties of the Magistracy to the close of the year.

15. At the end of 1836 there were 76 persons under examination, viz. 18 in Jail, and 58 on bail, or personal recognizance; 1779 persons were apprehended or summoned during the year 1837—making an aggregate of 1855 persons. These were disposed of in the manner noted in the margin.*

* Acquitted,	749
Convicted,	948
Committed to the Sessions,	128
Died in Jail,	2
Escaped,	1
Transferred to other Jurisdictions,	10
Remaining under trial,	17
Total,	1855

16. The Statement in the margin* shews the number apprehended, convicted, and acquitted in "heinous crimes" as well as in "petty offences," 153 persons were punished for neglect of duty. The Court cannot consider the returns to be satisfactory, though they are glad to observe a great improvement as compared with the preceding year, the return for which was as follows:

* Heinous Crimes,	212
Apprehended,	466
Convicted,	140
Acquitted,	189
Petty Offences,	678
Apprehended,	1389
Convicted,	808
Acquitted,	560

Heinous Crimes,	268
Apprehended,	1067
Convicted,	208
Acquitted,	657
Petty Offences,	1008
Apprehended,	2575
Convicted,	995
Acquitted,	1512

17. In connection with the returns from the Magistracy of Burdwan, and the Joint Magistracy of Bancoorah, the Session Judge remarks—"The above exhibits a great disproportion in the number of persons apprehended to the number of persons convicted for heinous crimes by the Officiating Magistrate of Burdwan, the number of persons convicted in petty offences is not so disproportionate—the Statements for the Separate Joint Magistrate of Bancoorah are much more favourable, still I consider the number of heinous and petty offences brought to the Magistrate's notice by the Mofussil Police, bears a very small proportion to the number of crimes actually perpetrated, and I apprehend moreover that any Statements transmitted show any thing but an accurate view of the state of delinquency in so large a District as Burdwan was previous to the division of the District into two separate jurisdictions; this may be attributed in a great measure to the number of cases which are never brought before the Magistrate from the negligence or connivance of the Police Officers and the aversion of the people to bring upon themselves the burthen of a prosecution."

18. The number of persons discharged in consequence of Razeenamahs having been filed was 68; and nine on account of the non-attendance of prosecutors.

19. The number of persons under trial in jail or on bail on the 31st December last is noted in the margin.* The result is satisfactory.

* In Jail,	2
On Bail,	15
	17

20. One case was pending under Regulation XV. of 1824, in this District at the close of the year.

21. There were 67 persons in confinement at the same period in default of security for good behaviour—30 prisoners were sent during the year to the Burdwan jail by the Joint Magistrate of Bancoorah who are included in the above.

CRIMINAL TRIALS.

Magistrate.

Preferred,		78
Confirmed,	37	
Modified or Reversed,	28	
Pending,	9	74
Transferred to Session Judge of West Burdwan,		4
		78

Joint and Assistant Magistrate.

Appeals preferred,		59
Confirmed,	27	
Modified or Reversed,	19	
Pending,	9	55
Transferred to Session Judge of West Burdwan,		4
		59

22. The number of Appeals preferred from the decisions of the Magistrate and Joint Magistrate of Burdwan in Criminal trials, as also in cases of a miscellaneous nature; and the result thereof is noted in the margin.* The number of decisions reversed or modified appear to the Court to be large.

MISCELLANEOUS CASES.

Magistrate.

Preferred,		21
Confirmed,	10	
Reversed or Modified,	8	
Pending,	3	21

Joint Magistrate, Blank

* Heinous Offences,	8
Petty Offences,	61
Appeals,	7
Proceedings from other Districts,	23
Applications and petitions of every other description,	17
	111

23. The Criminal business actually pending in this District on the 31st December last is noted in the margin* and is considered satisfactory.

Joint Magistracy of Bancoorah.

24. Mr. W. H. Elliott was Joint Magistrate of Bancoorah from 1st January to 6th March when he was relieved by Mr. D. J. Money. Mr. Money again on the 7th August made over charge of the Joint Magistracy to Mr. H. C. Halkett, who discharged the duties of the office to the close of the year.

* Acquitted,	244
Convicted,	700
Committed,	35
Escaped,	1
Transferred to other jurisdictions,	2
Remaining.	
In Jail, 25	56
On Bail, 31	
Total,	1038

25. At the close of the year 1836 there were twelve persons under examination viz. one in jail and eleven on bail or personal recognizance—1026 persons were apprehended or summoned in 1837, making a total of 1038. These persons were disposed of in the manner noted in the margin.*

26. The marginal abstract* shews the number of the apprehended, convicted and acquitted in "heinous crimes," as well as in "petty offences." Under the latter head there were 233 convictions for neglect of duty. The Court consider the returns to be satisfactory.

* Heinous Crimes,...	520
Apprehended,.....	367
Acquitted,.....	124
Convicted,.....	195
Petty Offences,.....	350
Apprehended, ...	671
Acquitted,.....	120
Convicted,.....	505

27. In comparing these returns however with those for the District of Burdwan it is observable that the number of "heinous crimes" exhibited in the Statement for the Joint Magistracy of Bancoorah far exceeds the number stated to have occurred in the more extensive division of East Burdwan. From this it is inferrible that numerous offences occurring in the District of Burdwan are not brought to the notice of the Police Authorities; though from the following extract from a letter from the Magistrate to the Session Judge of Burdwan under date the 26th March last, it would appear that the number of burglaries and thefts exhibited in the return for 1837, considerably exceeds the entries under those heads in the Statements for 1836. "In comparing the Statement before you with that for the preceding year 1836, a considerable increase in the number of thefts and burglaries will not fail to strike you. It is therefore necessary for me to mention that the Statement for 1836 exhibits only those which were investigated, whilst that for the past year includes both those which were and those which were not investigated. On a reference to the records I find that the whole amount of both in 1836, as you will perceive from the accompanying comparative memorandum, was 134. The Statement for 1837 shews 228. I put it to you however, whether it is credible that in such a District as this, there should have been committed in the course of a whole year no more than 134 thefts and burglaries. That there has been some actual increase however in this year, in consequence of the scarcity of the times, I think exceedingly probable. A large proportion you will observe are thefts of grain, mostly from standing crops."

28. Fifteen persons were released in consequence of Razeenamahs being filed and none for non-attendance of prosecutors.

29. The number of persons under examination at the close of the year is noted in the margin,* and calls for no particular remark.

* In Jail, ...	25
On Bail,.....	31
	56

30. No cases were pending under Regulation XV. of 1824 in this Joint Magistracy at the close of the year 1837.

31. Two persons were in confinement in default of security for good conduct at the same period in the jail of the Joint Magistracy. The Statement of the Joint Magistrate however shews 23 persons transferred to Burdwan, whereas the return for that District, as already observed, mentions 30. The Magistrate and Joint Magistrate will be requested conjointly to explain the discrepancy, submitting their explanations through the channel of the Session Judge.

* Regular Trials.		
Appeals preferred,		32
Confirmed,	14	
Modified or reversed,	11	
Pending,	7	32
Miscellaneous Cases.		
Appeals preferred,		12
Confirmed,	7	
Modified or reversed,	4	
Pending,	1	12

32. The number of Appeals preferred from the decisions of the Joint Magistrate in regular trials as well as in miscellaneous cases and the result thereof is noted in the margin.* The Statement does not call for any particular remark.

* Heinous offences,	5
Petty ditto,	53
Appeals,	1
	59

33. The Criminal business actually pending in this Joint Magistracy on the 31st December 1837 is noted in the margin.* No remark appears necessary.

SESSIONS COURT.

34. Mr. Smelt received charge of the office of Session Judge from the Officiating Judge Mr. Macan on the 7th January, and conducted the duties of the Court to the 4th April. On that date the Session Judge of the District, Mr. J. Curtis, resumed charge and discharged the Session duties for the entire District of Burdwan, including the Joint Magistracy of Bancoora, till the 1st September, when the arrangements for the division of the district into two Zillahs, having been carried into effect, Mr. Curtis retained the office of Session Judge of East Burdwan, while Mr. H. P. Russell assumed that of the Western division. On the 25th November, Mr. Russell left the District preparatory to proceeding to Europe on furlough, making over charge of its current duties to the Principal Sudder Ameen Baboo Doorganarain Roy. Mr. Russell's successor did not join within the year.

* Acquitted,	40
Convicted,	43
Commitments annulled,	26
Referred to N. A.,	19
Pending,	15
	143

35. At the close of the year 1836, there were sixteen persons under trial on commitment by the Magistrate of East Burdwan—128 commitments were made during the year 1837, making a total of 144. These persons were disposed of in the manner noted in the margin.* One prisoner apparently was committed in two separate cases, which accounts for the discrepancy of one prisoner. The number of acquittals, as well as reference to the monthly Session Statements, shew that some of the commitments were not judiciously made. In one case alone committed by Mr. Skipwith, 15 persons were acquitted, who, in the opinion of the Session Judge ought not to have been put on their trial. The Court observes that only three cases were committed by Mr. Ogilvy, the Officiating Magistrate of Burdwan, the rest having been committed either by his predecessor or by the Joint Magistrate. On this point the Session Judge has the following remarks: "On referring to the business disposed of by Mr. F. Skipwith, Mr. J. B. Ogilvy, Mr. J. T. Mellis the Officiating Joint Magistrate, and those under the Magistrate's authority, it appeared to me, that Mr. Ogilvy had not been able to give so much of his attention to Magisterial duties as his predecessor Mr. Skipwith had; and this was brought more to my notice from the small number of commitments to the Sessions Court made by Mr. Ogilvy, contrasted with the number made by Messrs. Skipwith and Mellis: to this latter gentleman, I observed, that most of the criminal cases had been made over I therefore addressed a letter to Mr. Ogilvy on the 1st ultimo, a copy of which accompanies this, together with his reply, which I have the honor to submit:

I consider the explanation furnished is satisfactory, taking into consideration that the Officiating Magistrate has likewise to conduct the duties of the Collector's office which under the present system, is as much as any one Officer in a District like Burdwan can be expected to perform. I have reason to be satisfied with the way in which the duties of the Magistrate's Office, has been carried on by Mr. F. Skipwith and by Mr. J. B. Ogilvy, during the period they were severally in charge. Mr. J. T. Mellis has likewise evinced much zeal and attention to the business which has devolved on him as an Officiating Joint Magistrate, and the commitments made by him have been in general good and proper."

36. At the close of the year 1836, there were 3 persons under trial on commitment by the Joint Magistrate of Bancoorah, 20 were committed up to the 1st September, making a total of 23. These persons were disposed of as noted in the margin.* The 7 persons whose cases had not been tried on that date, were made over to the Session Judge of West Burdwan, to whose Court 15 persons were committed for trial between the 1st September, and the close of the year, making a total of 22. The marginal† statement shews the manner of their disposal. The proportion of acquittals to convictions in the Sessions Court is large.

* Acquitted, ...	4
Convicted, ...	2
Referred to Nizamut Adawlut, ...	10
Balance, ...	7
	23

† Acquitted, ...	6
Convicted, ...	3
Pending, ...	13
	22

Total acquitted, ...	10
Total convicted, ...	5
Referred to Nizamut Adawlut, ...	10
Pending, ...	13
	38

37. In regard to the period of time usually occupied in the preliminary investigation of a case committed to the Sessions, Mr. Curtis remarks—"I have not any data, on which I can calculate the average number of days that criminal trials in cases committed to the Sessions in 1837 were pending before the Officiating Magistrates: at the foot of one of the Magistrate's statements transmitted with the annual papers, I observe that the average number of days occupied in the disposal of a common criminal case is stated to be six days." The Session Judge should also have stated the average number of days a trial was pending in his own Court.

38. Three cases were called for at the English Sittings of the Court, or by precept on appeal. In one case the sentence of the Session Judge was enhanced: in another, consisting of three prisoners, the sentence passed on two of them was confirmed: and that on the third annulled. The remaining case had not been disposed of at the close of the year.

39. The cases of 29 prisoners were referred to the Nizamut Adawlut, and they were disposed of in the manner noted in the margin.*

* Acquitted, ...	12
Convicted, ...	15
Sent back, ...	2
	29

40. The following is an abstract of the sentences passed on the prisoners convicted in the District of East and West Burdwan during the year 1837:

By the Nizamut Adawlut.

Imprisonment for life,	12
Imprisonment for 3 years,	3
	15

By the Session Judge of East Burdwan.

Imprisonment for 14 years and upwards,	17
" from 7 to 14 years,	10
" from 3 to 7 ditto,	12
" from 1 to 3 ditto,	3
Less than 1 year,	3*
	45

* Including two for the Joint Magistracy of Bancoorah.

By the Session Judge of West Burdwan.

Imprisonment for 14 years and upwards,	1
" from 7 to 14 years,	1
" from 3 to 7 years,	1
	3

By the Magistrate of East Burdwan and his Assistants.

Six months and upwards to 3 years,	176
Less than 6 months,	302
Fined,	420
Dismissed from employ,	3
Required to furnish Security,	47
Total,	948

By the Joint Magistrate of Bancoorah and his Assistants.

Six months and upwards to 3 years,	78
Less than 6 months,	157
Fined,	355
Dismissed from employ,	83
Required to give Security,	27
	700

GENERAL REMARKS.

41. It appears to the Court, on a comparison of the general results exhibited by the Statements for the years 1836 and 1837, that there has been a decided improvement in the mode of administering the criminal duties of the Magistracy of Burdwan. The returns shew a decrease of crime; and evince the exercise of a much greater caution than was previously the case, in the apprehension of persons without sufficient cause. In the opinion of the Session Judge, however, as expressed in the following extract from his letter, submitting the Annual Statements, many cases of serious crime occur which are not brought to the notice of the Magistrate: "I have a few observations to make on the crimes most prevalent in the past year, at the head of which, I regret to report, that the number of murders committed in the District is still great, it is probably beyond the controul of the best regulated Police to prevent the commission of this dreadful crime, still I consider the Police have been very unsuccessful in apprehending the murderers and bringing them to justice; on the other hand I have to remark, that Mr. J. B. Ogilvy's exertions to get hold of the perpetrators of a horrid case of murder in the Town of Burdwan, in which three women were inhumanely murdered, were most praiseworthy, and that every measure to get a clue to the discovery of the offenders was taken by the Officiating Magistrate, and it is much to be deplored that, as yet, his endeavours to apprehend the parties concerned have not met with that success, and the many hours of anxious trial and trouble that this Officer has undergone in making inquiries on the spot and neighbourhood of the place where the murders were committed. With regard to the commission of the crime of dacoity, which Mr. Ogilvy considers is not so easily suppressed as that of murder, I conceive that many cases do occur, which are not reported unless the Police Officers can get the sufferers to swear, that some of the gang of robbers have been identified, or that they suspect some of their neighbours to have been concerned in the perpetrations of the robbery, in which case, the activity of the Police is not in any manner remiss in searching houses for plundered property and apprehending suspected persons; on the other hand, where the unfortunate sufferers, whose houses have been plundered, have not any trace of the gang of dacoits by which the attack has been made, the Police Officers tell them, that the less that is said about the matter will be the better for them, and that on the whole it will be advisable to put up with the first loss, than a fruitless attempt to regain what has been lost. In this country it is supposed that the security of persons and property is confided to the Police, and to so momentous a trust, it is my opinion that there ought to be adequate guarantees that it will not be betrayed. This can only be obtained by acting on the common principles of human nature, and rendering it more advantageous to perform than to neglect duty. If the pay or the emoluments of Police be mean, so will the candidates for them. Besides a good salary, contingent rewards, either honorary or pecuniary, proportioned to desert and exemplary service ought to be superadded. Under such a system there would be sufficient responsibility. The employment would be sought by men of character, who would not forfeit that and a profitable and honorable appointment for slight temptation." The Court observe that the foregoing subject, intimately connected as it is with the efficiency of the Police, falls more immediately within the province of the Superintendent of the Police, to whom a copy of this report will be forwarded.

42. The Court do not consider it necessary to enter at any length into the subject of the Village Police discussed at the 8th and following paragraphs of the Magistrate's letter of the 26th March last, to the address of the Sessions Judge: and at paragraph 11 of the Judge's letter to this Court. Extracts from the letters of those authorities will be forwarded for the consideration of the Superintendent of Police.

43. The Court cannot consider the District of West Burdwan to be in a satisfactory state. Crimes of a serious nature appear to have been prevalent during the period under review: and the exertions of the Police to bring the offenders to justice by no means successful.

44. The Court have reason to be satisfied with the manner in which the Session duties have been conducted by Mr. Curtis, who discharged them the greater portion of the year. The Session statements however were occasionally prepared without sufficient advertence to the Circular Orders issued by the Court for the guidance of the Judges.

ZILLAH HOOGHLY.

45. Mr. Samuells was in charge of the District of Hooghly throughout the year 1837.

Acquitted,	1205
Convicted,	1415
Committed,	75
Died,	1
Escaped,	4
Transferred to other Jurisdictions,	4
Pending in Jail, 26 / On Bail, 43	69
	2773

46. At the close of the year 1836, there were 48 persons under trial, viz. 3 in Jail and 45 on bail, 2725 were apprehended or summoned in the course of the year, making a total of 2773; these persons were disposed of in the manner noted in the margin.* On this subject the Session Judge remarks—"If the number of persons convicted by the Magistrate and his Assistants, during the year 1837 be added to the number convicted at the Sessions, the aggregate will be 1429, and the aggregate of persons acquitted in both tribunals, being 1229, the convictions will exceed the acquittals by 200, which appears very creditable, both to the judgment of the Officiating Magistrate, and to the controul he must have exercised in this respect, over his Police Officers." The Court remark that upwards of 300 persons have been convicted of neglect of duty, and of these the Magistrate observes—"Of those tried for neglect, a considerable number are Chokeedars and other village authorities reported absent from their posts when the Police go their rounds. Some are Police Officers of a higher grade, fined, and otherwise punished for various acts of neglect in the discharge of their duties, and the remainder are principally Chokeedars, Mundils, and Gomastahs, for neglect of duty in cases of dacoity, burglary, theft, &c. When it is considered that there are upwards of 8000 Chokeedars in this District, and Mundils and Gomastahs in proportion, the number will not, I trust, be considered large."

47. The statement in the margin* shews the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." The results are much better than those exhibited in the statements of the preceding year; the number of convicted and committed in heinous crimes being one half of the number apprehended. The Court have recognized the improvement with satisfaction; and they trust that it will yet be progressive, under the administration of Mr. Samuells, who has no revenue duties to perform.

* Heinous crimes,		279
Apprehended, ...	499	
Convicted, ...	175	
Acquitted, ...	239	
		1017
Petty offences,		
Apprehended or summoned,	2226	
Convicted, ...	1240	
Acquittals, ...	966	

48. The number of persons acquitted and discharged in consequence of Razeenamehs being filed, and owing to the non-attendance of prosecutors is noted in the margin.*

* Discharged by Razeenamehs, ...	93
Do. by non-attendance of prosecutors	7
Total, ...	100

49. The number of prisoners in Jail or on bail on the 31st December last is noted in the margin.* It does not call for any particular remark.

* In Jail, ...	26
On Bail, ...	43
	69

50. One suit instituted under Regulation XV. 1824 was pending in this District at the close of the year.

51. Sixty-nine persons were confined in default of security for good conduct on the 31st December last. The number, though considerably reduced since the year preceding, is still large.

52. The number of appeals preferred from the decisions of the Magistrate in criminal trials, and also in cases of a miscellaneous nature is noted in the margin.* The court consider the number of reversals to be large.

* Criminal Trials, ...	236
Confirmed, ...	133
Modified or reversed,	70
Pending, ...	33
	236
Miscellaneous Cases.	
Appeals preferred, ...	33
Confirmed, ...	20
Reversed or modified,	13
	33

53. The criminal business actually pending in this District on the 31st December last is noted in the margin.* The number of cases under the first heading of heinous crimes is considerable.

* Heinous crimes, ...	30
Petty offences, ...	198
Appeals, ...	13
Proceedings from other Districts, ...	39
Miscellaneous cases,	104
Total, ...	384

54. Mr. C. R. Martin was the Session Judge of the District from the 1st January to the 31st July, when he was suspended from office. Mr. Patton then officiated to the 30th September, Mr. Patton again was relieved by Mr. Grote, who continued in charge merely of the current duties of the office till the 11th November, when Mr. W. A. Pringle received charge of the Judgeship; and continued to officiate to the close of the year.

Sessions Court.

* Acquitted,	24
Convicted,	14
Referred by Nizamut Adawlut,	20
Under trial,	20
	78

55. There were 3 prisoners under trial at the end of 1836, and 75 were committed in 1837, making a total of 78. They were disposed of in the manner noted in the margin.* The number of acquittals is large. On the subject of the commitments Mr. Pringle remarks—"I have no doubt, that when the cases which have been referred shall have been disposed of, the convictions will considerably exceed the acquittals. No commitments, which I have tried, have been made on slight, or improper grounds, the proceedings have been regular and correct, and evincing both good judgment, and careful investigation." On a reference however to the monthly Session Statements, it would appear that in some instances the commitments were not judiciously made, the evidence not being sufficient to warrant the probability of conviction.

56. The average number of days that a criminal trial was pending before the Magistrate was 23: and the average number of days from the date of commitment to that of final disposal was 19. "Sessions business," the Judge observes, "increased very much towards the end of the year, and some commitments had, in the absence of a Session Judge, lain over for some time."

57. Two trials called for at the English Sittings of the Court or by precept on appeal, were disposed of during the year. In both of these the sentences of the Session Judge were confirmed.

* Acquitted,	4
Convicted,	5
Pending,	12
	21

58. One prisoner was under reference to the Nizamut Adawlut from the District of Hooghly at the close of 1836: and 20 were referred in 1837, making a total of 21, who were disposed of as noted in the margin.*

59. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1837.

By the Nizamut Adawlut.

Death,	1
Imprisonment for life,	3
Ditto 7 years,	1
Total,	5

By the Session Judge.

14 years imprisonment,	1
7 Ditto and not exceeding 14 years,	4
3 Ditto and not exceeding 7 ditto,	4
1 year and not exceeding 3 ditto,	5
	14

By the Magistrate and his Assistants.

Six months and not exceeding 3 years,	142
Less than 6 months,	300
Fined,	867
Dismissed from office,	64
Required to find security,	42
	1415

GENERAL REMARKS.

60. The Statements for this District were submitted by Mr. Pringle with a letter dated the 8th February last. On an examination of them it does not appear that there has been any great diminution of crimes of a heinous nature as compared with the occurrences of the preceding year. On this subject, in connection with the prevalence of the crime of dacoity, Mr. Samuells writes: "It is not my intention in this letter to enter into any comparative statements of business done in this and former years, or of persons apprehended, acquitted and convicted, as this comparison will necessarily be made by yourself in forwarding the papers to the Sudder Court, I shall confine myself entirely to remarks upon the more prominent points in the Statement; and first of dacoity, a crime which has occupied more of my atttention than any other since my arrival in the District: of offences of this nature, no less than eleven have occurred during the last year, and there has also been one attempt to commit, two of these were attended with murder, three with wounding; 222 persons are supposed to have been concerned, 78 were apprehended during the past year, 60 were acquitted and 1 convicted, 11 have been referred for trial to the Sudder Court, and 6 were in Jail at the close of the year. In addition to these, 15 have been apprehended since the beginning of the month, and as the evidence against them appears to be strong, the greater part will shortly be committed; 6 men also concerned in a river dacoity committed within the Jurisdiction of Midnapore, have been apprehended, together with 600 rupees worth of property, through the activity of the Ghuttal Darogah, and have confessed fully before me. There can be no doubt of their conviction when forwarded to Midnapore. In 1836 there occurred 7 dacoities with no conviction, in 1835 there were 17 dacoities with 23 persons convicted. In 1834 the dacoities were 13, the convictions 13. In 1833 the dacoities are 10, convictions 1. Thus the number of these crimes is greater by four than in 1837; but, with the exception of 1833, not greater than in any of the three previous years, and the Supplementary Statement for the last half of 1837 will, I trust, show a considerable increase in the number of convictions. These crimes did not commence last year until the latter end of April, when the excessive drought indicated the probability of a failure in the crops. During* December, January, February and March, usually the worst months of the year, not a single dacoity occurred, a fact partly attributable perhaps to my presence in the interior, and the consequent increased alertness on the part of the Police, and I had hoped that the yearly Statement would show a diminution of crime even beyond that of 1836; as the harvest season approached however, it became evident that there would be a considerable failure in the quantity of crop—the price of grain rose, the

* In December 1836, a large gang was apprehended by me in Jehanabad, of whom 10 were committed in March, certainly with every prospect of a conviction. In April these men were released. Three days afterwards a serious dacoity occurred within two miles of Hooghly, and these crimes have continued increasing since.

Jheels and Nullahs upon which many of the poorer classes depend almost entirely for their subsistence dried up, and an increase of robberies was the natural consequence. The river dacoity noticed in the Statement took place on the Damooder, and might more properly perhaps have been entered as "theft with aggravated circumstances;" the boat of the prosecutor was fastened to the bank, when another boat came alongside ostensibly for the purpose of procuring fire—the crew of this latter boat sprung on board the prosecutor's panchway, and carried off a few articles to the value of nine rupees. The prosecutor declared himself unable to recognize any of the defendants, and there being no Police boats on the river, and no villages near at hand, pursuit did not take place until it was too late to be successful. The number of persons apprehended in these cases is smaller than usual in consequence of my having, in several instances, proceeded to the spot myself and released all those against whom there did not appear to be strong evidence. Notwithstanding every exertion the whole result however is, I regret to say, very far from being such as I could have wished it. The extreme cowardice of the people in this part of the country, increases in a very material degree the difficulties which are every where experienced in procuring evidence against Dacoits. As they scarcely ever face the robbers or even approach them, personal recognition, one of the very few modes of proof which we possess in these cases, is rarely heard of, and all that we have to depend upon where this fails, is the discovery of the stolen property, or the confession of the prisoner. The latter is becoming more and more rare every day, and I observe in several of the cases which occurred during last year, that the Dacoits refrained from taking any article from the house of the prosecutor except gold and silver, which was of course melted and rendered incapable of recognition before the morning broke. I have tried in two instances to introduce the system of King's evidence; but both attempts have unfortunately failed, owing to causes over which I had no controul—when once established, the system destroys all confidence among the Dacoits themselves, and tends to put a stop to dacoity more certainly than any measure which I am aware of. The Chowkeedars, I am sorry to say, scarcely ever do their duty in these cases, and in almost every case which has occurred, there is but too much reason to believe that they have acted as spies to the Dacoits, and indicated to them their prey. I believe this may be attributed principally to their being in general maintained by small grants of land, the crops of which fail in dry seasons, such as the present, and leave them exposed to all the miseries of poverty. I have before addressed the Commissioner at some length on the subject of the Phareedars, and also of this description of Police, and propose to do myself the honor, at an early date, of offering some further remarks on the subject for the consideration of the Superior Court."

61. On the subject of the letter from which the foregoing is an extract, Mr. Pringle remarks—"I have the honor to submit a letter addressed to me by the Officiating Magistrate Mr. Samuells, on the 16th ultimo, with its enclosures, having retained copies for reference; and I beg to recommend it to the consideration of the Court; for it contains a very clear and candid exposition of the state of the District, and evinces a degree of zeal, activity and ability, highly creditable to Mr. Samuells,—I have the more pleasure in bringing this to the favourable notice of the Court, in consideration of the opinion expressed in the 16th paragraph of their resolutions, dated the 28th of April 1837, on the Criminal Statements for 1836,

the unfavorable state of things being then attributed to a deficiency of experience, and want of system on his part. This appears to have been the case in some degree; but matters looked worse than they really were, from the Statements having been prepared, in the absence of Mr. Samuells, under the superintendence of Mr. Grote, whose experience was then even less, though he is by no means wanting in ability. Mr. Samuells has since found the value of carefully superintending the preparation of all Statements himself; as I trust those now submitted will fully evince; so I shall, without further remark, proceed to record such observations as occur to me, on his letter."

"Mr. Samuells attributes the increased prevalence of the crime of Dacoity, to the great drought, and failure of the crops, as a specific cause, and to the cowardice of the inhabitants, and indolence or connivance of the Chowkeedars, as a general one. He also states, that the dacoits themselves are growing more cunning, in evading justice; particularly by confining their depredations, chiefly to cash and precious metals, which are easily disposed of, or rendered incapable of recognition. The drought and failure of the crops, I have no doubt, has produced a great increase of crime, particularly as affecting the Chowkeedars, in the manner stated in paragraph 2, and the Court know it to be my opinion, that all Chowkeedars should be provided for, by fixed salaries. I hope that Mr. Samuells will go further into this subject; for this District appears well calculated, for the experiment of resuming the lands appropriated to them, and putting both the lands and the Chowkeedars under efficient and systematic management. The number of Chowkeedars that I have had to try for heinous crimes, during the very short period that I have been in this District, is lamentable; and shews, that no efficient Police management can be attained, until a radical reform takes place in the Chowkeedaree system. But there is another cause for the prevalence of dacoity, which Mr. Samuells has not adverted to; the actual harbouring of dacoits by Zumeendars, of which an instance is now before the Court, in the referred trial of Nundoo Chung and others for dacoity; and in which, although there may not be legal proof, there is quite enough to carry conviction to my mind, that Gocool Kishen Ghose, a very wealthy, and hitherto respected Zumeendar, has been guilty of this crime. I have already borne testimony to the activity and judgment of Mr. Samuells, in the above case; and in another which I have since tried (the one here alluded to I believe, in which 15 were apprehended;) although the Law Officer has acquitted all of the prisoners, I have differed from him, and it will shortly be referred to the Court. In concluding my remarks on this subject, I must say, that in my opinion, Mr. Samuells has done all that could be done, to put down the crime of dacoity, under existing circumstances; and that his not being more successful, must be attributed to the causes which I have here stated, and not to inactivity or bad management."

"The quantity of business done during the year, as exhibited in the 5th paragraph of Mr. Samuells' letter, will, I am confident, be considered by the Court very creditable to him, and to all acting under his authority. I have had hardly any opportunity of judging of the *manner* in which it has been done, by any but himself, from my time having been so much occupied by Sessions; and as I have already stated, how entirely to my satisfaction he has conducted the duties

of his office, while under my supervision, I have only to add, that he has always evinced the greatest possible readiness both in giving information, and in attending to orders, instructions, or suggestions." The Court have perused with pleasure this testimony to the zeal and assiduity of Mr. Samuells.

62. The Court have every reason to be satisfied with the manner in which the business of the Session Court was conducted during the year under review.

63. They observe that the memorial of certain Zumeendars and others, containing an application for building bridges over streams which intersect some of the highroads of the District, has been forwarded direct by the Magistrate to the Government.

ZILLAH JESSORE.

64. Mr. H. T. Raikes was Officiating Magistrate of Zillah Jessore from the commencement of the year 1837 to the 24th May, when he was relieved by Mr. Garstin. Mr. F. Cardew has been since appointed to the Magistracy of the District and received charge on the 16th June.

* Acquitted,		634
Convicted,		1162
Committed,		92
Under trial:		
In Jail,	11	35
On bail,	24	
		1923

65. At the close of the year 1836 there were 76 persons under examination, viz. 23 in jail and 53 on bail, 1851 persons were apprehended or summoned during the year 1837, making a total of 1,927 persons under trial. These persons were disposed of in the manner shown in the margin.*

* Heinous crimes,	152
Apprehended,	427
Convicted,	171
Acquitted,	160
Petty offences,	831
Apprehended,	1500
Convicted,	991
Acquitted,	474

66. The Statement in the margin* shows the number of persons apprehended, acquitted, and convicted in heinous crimes as well as in petty offences. The result is considered satisfactory. The Court observe that 101 persons were punished for contempt of Court and 102 for neglect of duty; and that 94 prisoners were discharged by compromise, and 82 in consequence of non-attendance of prosecutors.

* In Jail,	11
On Bail,	24

67. The number of persons in jail and on bail is noted in the margin.* No remark is called for.

68. Three suits under Regulation XV. 1824, were pending on the 1st January 1838.

69. A hundred and one persons were detained in confinement on requisition for security. A considerable number of them are said to be implicated by the confessions of prisoners charged with Dacoity, but whose guilt could not be established by evidence. The Session Judge will be requested to inquire if there are any good grounds for their detention.

70. A Statement is entered in the margin* of the number of Appeals in Criminal trials and miscellaneous cases preferred, confirmed or reversed. The results are considered satisfactory.

* APPEALS.

Criminal Trials.

Preferred, ...		108
Confirmed,.....	63	
Modified or Reversed, ...	24	
Pending,..	21	
		108

Miscellaneous Cases.

Preferred, ...		41
Confirmed,.....	20	
Reversed or Modified, ...	12	
Transferred to the Session Judge, ...	9	
		41

71. The criminal business actually pending in this District on the 1st January 1838, is noted in the margin.* The amount of business is very considerable.

* Heinous offences,...	6
Petty offences, ...	305
Appeals, ...	1
Proceedings from other districts,...	40
Miscellaneous cases,	181
	533

72. Mr. C. Garstin officiated as Session Judge of the District from the 1st January to the 9th February, when Mr. Cathcart was appointed Session Judge and took charge of his office. Mr. Cathcart remained in the District till the 7th November, when he was compelled to leave it on account of ill health. The number of days devoted by both Officers to Session duties and Criminal Appeals, is noted in the margin.*

* Mr. Garstin,.....	16
Mr. Cathcart, ...	78
	94

73. At the close of the year there were 20 prisoners under trial, and 92 prisoners were committed during the year, making a total of 112 persons under trial. These prisoners were disposed of in the manner indicated in the margin.* The result of the commitments is very creditable to the Officers who were in charge of the Magistracy during the year.

* Acquitted,.....	14
Convicted,.....	72
Referred, ...	6
Under trial, ...	20
	112

74. The number of trials called for on revision of the monthly Statements or by precept was six. The sentence of the Session Judge was reversed in two cases, and confirmed in three. One case remained at the close of the year.

75. The statements were submitted partly by the Principal Sudder Ameen in charge and partly by Mr. Golding, the present Session Judge of the District; but the information required by paragraph 4 of the Circular Order of the 7th October 1836, as to the time ordinarily occupied by the Criminal trial in the Magistrate's Court, has not been furnished.

76. The cases of six prisoners were referred to the Nizamut Adawlut during the year. Two of the prisoners were proved to have been insane at the time of committing the crime charged; the other four were convicted by the Nizamut Adawlut.

77. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1837.

By the Nizamut Adawlut.

Imprisonment for life,	2
For 7 years,	2
	4

By the Session Judge.

Imprisonment for 14 years and upwards,	6
For 7 years and upwards,	28
For 3 years and upwards,	28
For 1 year and upwards,	7
For less than 1 year,	3
	72

By the Magistrate and his Assistants.

Imprisonment for 3 years,	10
For 2 years and upwards,	22
For 6 months and not exceeding 2 years,	180
Less than 6 months,	423
Corporal punishment,	13
Dismissed from service,	48
Fined,	347
Required to furnish Security,	119
	1162

GENERAL REMARKS.

78. In the course of the year Mr. Cardew reported to the Court for the purpose of obtaining their instructions, a case of affray between two British subjects, attended by a small number of Burkundazes, and the inhabitants of a village called Choudra. Mr. Rushworth, as Superintendant of some factories in the neighbourhood, had some dispute with the villagers; and the Magistrate, on hearing of it, deputed a Darogah to make a local investigation. Mr. Rushworth went to the spot, attended by a friend and some armed followers, and being attacked by the ryots took a gun loaded with small shot from the hand of a servant and fired it at the ryots, killing one man outright and wounding another. Mr. Rushworth delivered himself up to the Darogah, but he died of fever before any proceedings could be commenced against him in the Supreme Court. The local authorities do not appear to have acted with that promptitude which the case required. The affray occurred on the 2d June; and though Mr. Cardew assumed charge of the District on the 16th of that month, he did not address the Court on the subject till the 16th September. No other cases deserving of particular attention occurred in this District, during the period under review.

79. On the whole the Court consider that the Magisterial duties of this District have been satisfactorily performed by the Officers who have had charge of them. The number of persons apprehended in proportion to the number supposed to have been concerned in crimes of a heinous nature, and again the number convicted in proportion to the number apprehended, is creditable to the Magistrates and Police.

80. The trials in cases referred to this Court were regularly conducted, and the Court are satisfied with the attention paid generally to their duties by the Session Judges, who successively held that appointment.

ZILLAH MIDNAPORE.

81. Mr. A. F. Donnelly was Magistrate of Midnapore to the 28th February, when Mr. Gilmore was appointed Magistrate of the entire District consisting of the Magistracy of Midnapore and Joint Magistracy of Hidgellee.

82. As the returns for the year 1837 submitted by the Magistrate through the Session Judge differed materially in regard to the number of prisoners under examination, from those for 1836, the Court called for an explanation of the discrepancy. The Magistrate's reply was forwarded by the Judge with his letter No. 68, of the 25th June last, and shews that the difference has arisen from the statements for the Magistracy of Midnapore and Joint Magistracy of Hidgellee having been separately submitted for the year 1836: whereas, in consequence of the annexation of the jurisdiction of Hidgellee to that of Midnapore in the month of March 1837 under a single Magistrate, the returns have been embodied and submitted accordingly.

83. Under this explanation, it appears that at the close of the year 1836 there were 87 persons under examination, viz. 50 in jail, and 37 on bail or personal recognizance; 1,952 persons were apprehended or summoned in, the year 1837, making a total of 2,039. These persons were disposed of in the manner noted in the margin.*

* Acquitted,.....	732
Convicted,.....	1176
Committed, ...	73
Died, ...	9
Escaped, ...	1
Transferred to other jurisdiction, ...	2
Remaining in jail, 21 / On bail,..... 25	46
	2039

84. The marginal statements shew the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." Taking into consideration the number of commitments, the Court do not consider the results to be altogether unsatisfactory in cases of a heinous nature. They observe however that under the head of miscellaneous cases, there are no less than 291 convictions for neglect of duty. The Session Judge observes, that no case of any person having been unnecessarily apprehended had been brought to his notice.

* Heinous crimes, ...	487
Apprehended, ...	570
Convicted,.....	216
Acquitted,.....	274
Petty offences, ...	1356
Apprehended or summoned,.....	1469
Convicted,.....	960
Acquitted,.....	458

85. Forty-seven persons were released in consequence of Razeenamehs having been filed: and six of non-attendance of prosecutors.

* In jail,.....	21	46
On bail, ...	25	

86. The number of persons under examination in jail or on bail is noted in the margin,* and calls for no particular remark.

87. No cases were pending under Regulation XV. 1824, in this District at the close of the year 1836.

88. Twenty-eight persons were in confinement in default of security for good conduct at the same period.

* *Regular Trials.*		
Appeals preferred,		76
Confirmed,.....	33	
Modified or reversed, ...	11	
Pending, ...	32	
		76

Miscellaneous Cases. *Magistrate.*		
Appeals preferred,		12
Confirmed,.....	3	
Modified or reversed, ...	8	
Pending, ...	1	
		12

Joint Magistrate.		
Appeals preferred,		13
Confirmed,.....	2	
Modified or reversed, ...	5	
Pending, ...	6	
		13

89. The number of Appeals preferred from the decisions of the Magistrate in regular trials, and from the decisions of the Magistrate and Joint Magistrate in miscellaneous cases, and the result thereof is noted in the margin.* With respect to the cases decided in appeal from the orders of the Magistrate in Regular trials the return is satisfactory; but the Court observe that 32 cases were undecided at the close of the year, and of that number 22 had been pending upwards of three months. The Session Judge states that his time was fully occupied in the month of December in the trial of commitments. The Court remark, that this explanation does not account for the cases of long standing not having been disposed of prior to that month. The number of miscellaneous orders interfered with, is large in proportion to the number of affirmations.

* Heinous cases,.....	22
Petty ditto, ...	160
Appeals, ...	11
Proceedings from other Districts,...	1
Applications and petitions of every other description,	7
	201

90. The Criminal business actually pending in this District on the 31st December 1837 is noted in the margin.* The number of petty cases is large, but they appear to be equally distributed among the several judicial authorities of the District.

Sessions Court.

91. Mr. A. Dick was Session Judge of Midnapore throughout the year under review (having been absent however for a short time on leave, during which the current duties were performed by Mr. T. C. Trotter) and sat in the Sessions Court for a period of two months and six days.

* Acquitted, ...	13
Convicted,.....	30
Referred to Nizamut Adawlut, ...	25
Pending, ...	28
Died, ...	1
	97

92. At the close of the year 1836 there were twenty-four persons under trial—73 were committed during the year 1837, making a total of 97. These persons were disposed of in the manner noted in the margin.* As 19 persons referred to the Nizamut Adawlut had been convicted and one acquitted on the ground of insanity, up to the close of the year, the result is satisfactory, which the Court notice with pleasure, as in preparing their report for 1836 they had occasion to notice in very strong terms the insufficiency of the grounds on which many persons had been put upon their trial. The Court observe that the prisoner who died should not have been included in column 7 of the Judge's statement No. 12 among the acquittals, a point which was noticed to him in the Court's orders on the Sessions Statements for February 1837.

93. Three cases were called for by the Court at their English sittings or by precept on appeal. In one, the sentence of the Session Judge was annulled, and the prisoner was ordered for release—in another, the punishment was enhanced, and in the third, the sentence of the Session Court was confirmed.

94. One prisoner was under reference to the Court of Nizamut Adawlut at the close of 1836, the number referred in 1837 was 25, making a total of 26. These persons were disposed of in the manner noted in the margin.*

* Found insane, ...	.
Convicted, ...	19
Pending, ...	6
	26

95. The following is an abstract of the sentences passed upon the prisoners convicted in this District during the year 1837:

By the Nizamut Adawlut.

Death, ...	4
Imprisonment for life, ...	8
Imprisonment for 14 years, ...	2
Imprisonment from 7 to 14 years, ...	4
Imprisonment for 5 years, ...	1
	19

By the Session Judge.

To imprisonment for 14 years and upwards, ...	2
7 years and upwards to 14 years, ...	14
3 Ditto to 7 Ditto, ...	11
1 Ditto to 3 Ditto, ...	3
	30

By the Magistrate and his Assistants.

Imprisonment for 6 months and upwards to 3 years, ...	152
Less than 6 months, ...	330
Fined, ...	609
Dismissed from employ, ...	58
Required to give security, ...	27
Total.....	1176

GENERAL REMARKS.

96. Though the administration of Criminal justice in this District in regard to the number of apparently unnecessary apprehensions cannot be pronounced by the Court to be altogether satisfactory, they observe with pleasure that a considerable improvement has taken place since the year preceding; that, the operations of

which are under the consideration of the Court: and they hope to see a still further improvement under the administration of Mr. Gilmore, of whom Mr. Dick observes, that " he is a most zealous officer, indefatigable and judicious."

97. The Court regret to observe the continued prevalence of serious crimes in the District of Midnapore. The Statements exhibit the occurrence of nine cases of Murder and 28 of Dacoity. One of the Dacoities was attended with loss of life, and 6 with wounding or other personal injury. Fourteen persons were committed for trial charged with murder, and 42 with gang robbery, which however would leave a large number undetected of those concerned in crimes of the last mentioned nature.

98. The Court regret their inability to repeat the high opinion expressed by them in their report for the year 1836 in regard to Mr. Dick's mode of conducting the duties of the Session Court, repeated omissions and irregularities were noticed in Mr. Dick's monthly Sessions Statements: as also in the trials held by him and in his references to the Court. Some of these irregularities were prominently noticed in the trials noted in the margin* and evince a want of due attention. These observations which the Court regret to be compelled to record, they trust, will have the effect of inducing Mr. Dick to pay greater attention in future to the instructions circulated to the Session Judges for their guidance and observance.

* Ghosye Gugon charged with murder.
Bhugwan Bishoee and others charged with dacoity.

NUDDEA.

99. Mr. W. H. Martin officiated as Magistrate of this District from 1st January to 16th October, when Mr. R. Trotter took charge and officiated until the 19th December. He was then relieved by Mr. C. Steer, Junior.

100. At the close of the year 1836, there were 90 persons under trial, viz. 45 in jail and 45 on bail or personal recognizance, 2116 persons were apprehended or summoned, during the year 1837, making a grand total of 2206. These persons were disposed of in the manner noted in the margin.*

* Acquitted,		618
Convicted,		1402
Committed,		120
Died,		1
Remaining under trial.		
In jail,	20	35
On bail,	15	
Total,		2206

101. The Statement in the margin* shews the number of persons apprehended, convicted and acquitted in " heinous crimes" as well as in " petty offences." The Session Judge remarks, " the result as regards the proportion of acquittals to convictions in heinous crimes is not favorable." The Court however observe that of the 120 commitments 118 were for " heinous crimes," and as the result has shewn that the commitments, as far as they had been tried at the close of the year, had been judiciously made, the Court do not consider the general result unfavorable. The number of persons convicted of neglect of duty was 412, a very large number and much in excess of that punished for the same kind of offence in the preceding year, which the Session Judge attributes more to Mr. Martin's strict superintendance than to any falling off in the Police. The number (124) of persons convicted

* Heinous crimes,	253
Apprehended,	432
Acquitted,	198
Convicted,	98
Petty offences,	342
Apprehended,	1774
Acquitted,	450
Convicted,	1304

of contempt of Court is unusually large, and requires explanation, which the Session Judge will accordingly be requested to call for, and submit with his own opinion as to its sufficiency or otherwise, for the consideration of the Court. The Session Judge has forwarded a detailed statement furnished by the Magistrate of the cases entered in the Statement No. 1 under the head of oppression, and requests authority to call for a similar statement every month. The Court do not consider it advisable to grant this authority as the Statement No. 9 submitted monthly to the Session Judge supplies the necessary information, and the demand for the proposed statement would be imposing useless labour upon the Magistrate's establishment—31 persons were discharged in consequence of razeenamehs being filed, and 8 from the non-attendance of prosecutors.

102. The statement in the margin* shews the number of persons under trial at the close of the year: and calls for no particular remark.

* In jail, ...	20
On bail, ...	15
	35

103. One suit instituted under the provisions of Regulation XV. 1824, was pending in this District on the 31st December 1837.

104. Sixty-six persons were in confinement on the same date in default of security for good conduct.

105. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate in Criminal trials and miscellaneous cases, and the result thereof is noted in the margin.* The Session Judge remarks, that "of the 14 pending appeals in Criminal trials twelve have been decided since the close of the year, of which 11 have been confirmed and 1 reversed. The result is creditable to the functionaries in charge of the Magisterial duties.

* *Criminal trials.*		
Number of appeals,		101
Confirmed,.....	67	
Modified or reversed,.....	20	
Pending, ...	14	
		101
Miscellaneous cases.		
Preferred, ...		36
Confirmed,.....	19	
Modified or reversed,.....	10	
Pending, ...	7	
		36

106. The marginal statement* shews the quantity of business pending in this District on the 31st December last. The statements call for no particular remark.

* Heinous crimes, ...	6
Petty offences, ...	153
Appeals, ...	11
Proceedings from other Districts,...	1
	171

107. Mr. R. P. Nisbet was the Session Judge of this District during the past year. He sat 42 days in the Sessions Court for the trial of commitments.

Sessions Court.

108. At the close of the year 1836 there were 2 persons under trial—120 were committed during the year 1837, making an aggregate of 122. They were disposed of as shewn by the marginal statements.* The result is considered satisfactory by the Court.

* Acquitted,.....	16
Convicted,.....	49
Referred to Nizamut Adawlut, ...	24
Died in jail, ...	1
Escaped, ...	1
Remaining under trial,	31
	122

109. The Court observe that the column 12 of the Magistrate's Statement No. 1, and 4 of the Session Judge's Statement No. 12, do not correspond, as they

invariably should, when the statements are correctly prepared. The Session Judge will be requested to explain the cause of the various discrepancies observable in the following extract from the abovementioned statements:

NUMBER OF PERSONS COMMITTED.

Nature of Crime for which committed.	*Number of Prisoners as per Magistrate's Statement, No. 1, column 12.*	*Do. as per Session Judge's Statement No. 12, column 4.*
Murder,	5	2
Culpable Homicide,	1	4
Dacoity with Murder,	16	14
Ditto with wounding,	4	0
Ditto unattended with aggravating circumstances,	62	61
Highway robbery with wounding,	1	1
Burglary,	4	4
Receiving stolen property,	4	11
Affray,	14	14
Assault with wounding,	6	7
Forgery,	1	1
Miscellaneous offences not included in the above,	2	1
	120	120

110. Two trials called for at the English Sittings of the Court or by precept on appeal, were disposed of during the year. The sentences of the Session Judge were confirmed in both.

* Acquitted,	17
Convicted,	10
Under trial,	1
	28

111. Four prisoners were under reference to this Court from Nuddea at the close of 1836—and 24 were referred in 1837, making an aggregate of 28. They were disposed of as noted in the margin.*

112. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1837:

By the Nizamut Adawlut.

Death,	1
Imprisonment for life,	3
Ditto 7 years,	3
Ditto 3 years,	3
	10

By the Session Judge.

Imprisonment 14 years and upwards,	5
Ditto from 7 to 14 years,	17
Ditto from 3 to 7 years,	15
Ditto from 1 to 3 years,	4
Less than 1 year,	8
Total,...	49

By the Magistrate and his Assistants.

Imprisonment from 6 months to 3 years,	154
Less than 6 months,	538
Fined,	599
Required to give security,	111
Total,...	1402

GENERAL REMARKS.

113. The Court observe with satisfaction the improvement effected by Mr. Martin in the Police and administration of Criminal Justice in the District of Nuddea during the past year, and they have perused with pleasure the following testimony borne by the Session Judge to the merits of a very zealous and intelligent Officer :—" With regard to the late Acting Magistrate Mr. W. H. Martin, though he has left the Country, I should be wanting in justice, if I did not again bear evidence to his zeal, abilities, and general upright conduct ; he possessed, for his standing in the service, considerable experience as a Magistrate, but notwithstanding, always shewed a willingness to have his orders reviewed by the Session Judge, to whose suggestions, and greater experience, he paid the most ready and implicit attention. I consider Mr. Martin's departure a great public loss to the District." The Court trust that the improvements commenced under the superintendence of Mr. Martin will progress under that of his successor.

114. The Court had every reason to be satisfied with the manner in which Mr. Nisbet has conducted the duties of the Sessions Court, and prepared the statements of cases disposed of without reference to this Court.

ZILLAH 24-PERGUNNAHS.

115. Mr. J. H. Patton was Magistrate of this District throughout the year, except that from 28th July to 2nd October, while he officiated as Judge of Hooghly. Mr. Sconce was in charge of the Magistracy of the 24-Pergunnahs.

* Acquitted,		373
Convicted,		1433
Committed,		80
Transferred to other jurisdictions,		5
Remaining—		
In jail,	9	
On bail,	14	23
		1914

116. At the close of the year 1836 there were 13 persons under examination, viz. 4 in Jail and 9 on bail or personal recognizance, 1901 persons were summoned during the year 1837, making a total of 1914. These persons were disposed of in the manner noted in the margin.*

* Heinous crimes,	260
Apprehended,	493
Convicted,	214
Acquitted,	172
Petty offences,	426
Apprehended,	1481
Convicted,	1219
Acquitted,	201

117. The statement given in the margin,* shews the number apprehended, convicted and acquitted in "heinous crimes," as well as in "petty offences;" under the latter head 380 persons were punished for neglect of duty. The number of convictions much exceeds that of acquittals, and the Court entirely concur in the following remark of the Session Judge :—"The relative numbers are very satisfactory, and prove that persons are very seldom apprehended without cause." Seven persons were released in consequence of Razeenamahs being filed: and 7 of non-attendance of prosecutors.

* In jail,	9
On bail,	14
	23

118. The number of persons in Jail or on bail on the 31st December 1837 is noted in the margin,* and is considered satisfactory.

119. No cases were pending under the provisions of Regulation XV. 1824, at the close of the year.

120. Fifty persons were confined in default of security for good conduct at the same period. On this subject the Session Judge remarks—"No statements being forthcoming either in this office or the Commissioner's for 1836, I am unable to offer any comparison—50 appears to be a large number to be in confinement in default of security for good behaviour; but I do not think it could have been avoided. One case, which was called for on petition, and which does not appear in No. 16, alone involves no less than 15 persons, who are not inhabitants of this Province, and few of whom speak either the Bengally or Hindoostany with fluency or ease. They had taken up their abode at Sydpore, Thannah Eriahdeh, and thefts immediately afterwards commenced in every direction, some of which were traced to individuals of the gang. On being apprehended, they were either unable, or unwilling to give any distinct account of the place from whence they came, where they were born, or where they usually resided, professing ignorance on these points. It is difficult to determine what should be done with such persons, but it would obviously be wrong to let them loose to prey on the public. I have carefully revised all the cases that have been brought before me, and no person has been kept in confinement who could give a decent account of himself and which would bear enquiry: application has been made in several cases to the Magistrates of other Districts, to endeavor to procure grounds for releasing such natives of them, as were in confinement here." The Court consider the explanation to be sufficient.

121. The number of Appeals preferred from the decisions of the Magistrate in Criminal trials and the result thereof is noted in the margin.* Similar information is also given in the margin regarding the appeals preferred from orders passed by the Magistrate in miscellaneous cases. The Statements do not call for any particular remark.

* Criminal Trials.

	Preferred.	Confirmed.	Modified.	Pending.
Magistrate, ...	76	48	21	7
Joint Magistrate, ...	30	13	12	5
Total, ...	106	61	33	12

Miscellaneous Cases.

Magistrate, ...	32	15	10	7
Joint Magistrate, ...	1	0	1	0
Total, ...	33	15	11	7

122. The Criminal business actually pending in this District on the 31st December 1837 is noted in the margin.* Mr. Cracroft makes the following remark, in which the Court quite concur:—" This is very light, particularly so, considering the troublesome nature of this District, and very creditable to the Magistrate of the 24-Pergunnahs.

* Heinous crimes,.....	2
Petty offences,..... ...	7
Appeals,.....	1
Miscellaneous cases,...	8

123. Mr. E. Deedes was Joint Magistrate of Baraset during the year 1837.

Baraset.

124. The number of persons under trial at the close of the year 1836 was 27, viz. 13 in jail and 14 on bail or personal recognizance, 799 persons were apprehended or summoned during the year 1837, making a total of 826. These persons were disposed of in the manner noted in the margin.*

* Acquitted, ...		283
Convicted		375
Committed,.....		59
Died, ...		2
Escaped,.....		1
Remaining—		
In Jail, ...	47	
On Bail, ...	59	106
		826

125. The statement in the margin* shews the number of persons apprehended, convicted and acquitted in " heinous crimes" as well as in " petty offences." The result in heinous crimes is not satisfactory. Mr. Cracroft however observes—" In this jurisdiction also I am of opinion that people are not often summoned or apprehended altogether unnecessarily, though a few cases have certainly occurred, but it is not possible to prevent it entirely, 15 persons were punished for neglect of duty; 14 were discharged in consequence of Razeenamahs being filed, and none of non-attendance of prosecutors.

* Heinous Crimes,...	199
Apprehended, ...	256
Convicted, ...	66
Acquitted, ...	93
Petty Offences,.....	617
Apprehended, ...	570
Convicted, ...	309
Acquitted, ...	190

126. The number of persons under examination at the close of the year is noted in the margin.* It is very large for so small a jurisdiction; but the Court observe from the monthly statements that it has since been considerably reduced.

* In Jail, ...	47
On Bail,.....	59
	106

127. One case was pending at the close of the year under the provisions of Regulation XV. 1824.

128. Nine persons were in confinement at the same period in default of security for good behaviour.

* *Criminal Trials.*		
Preferred, ...		52
Confirmed,.....	18	
Modified or reversed, ...	29	
Pending, ...	5	
		52

Miscellaneous Cases.		
Preferred, ...		17
Confirmed, ...	11	
Modified or Reversed, ...	3	
Pending, ...	3	
		17

129. The number of appeals preferred from the decisions of the Joint Magistrate in Criminal trials and miscellaneous cases, and the result thereof is noted in the margin.* The result in miscellaneous cases is satisfactory: though the number of the Joint Magistrate's decisions modified or reversed in Criminal trials is large.

* Heinous offences,...	16
Petty ditto, ...	138
Miscellaneous cases,...	66

130. The Criminal business actually pending in this Joint Magistracy on the 31st December last is noted in the margin.* The quantity of business thus exhibited is considered very large—Mr. Cracroft observes—" I consider this too heavy, but I am not prepared to blame Mr. Deedes, as I do not know what his revenue duties may be." With reference to the business pending before other Officers, similarly situated with Mr. Deedes, the Court cannot consider the reason alluded to by the Session Judge sufficient to account for the heavy arrear.

Sessions Court.

131. Mr. E. R. Barwell was Session Judge of the 24 Pergunnahs from 1st January to 3d April, and Mr. Cracroft from that date to the end of the year.

132. At the close of the year 1836 there were 17 persons under trial, being one less than the number erroneously exhibited in the report for that year, 135 persons were committed during the year by the magisterial authorities of the 24-Pergunnahs and Baraset, making a total of 152. These persons were disposed of in the manner noted in the margin.* One case was tried by the Commissioner of the Division.

* Acquitted,.....	45
Convicted,.....	89
Referred to N. A,.....	16
Pending, ...	2
Total,...	152

133. The Session Judge has the following remarks on the subject of the duties of his Court during the past year—" On statement No. 12 I have the following remarks to offer, 37 persons were committed in 1837 for trial for homicide of various descriptions, of whom 15 were acquitted, 10 convicted and sentenced by the Court of Session, and 12 referred to the Nizamut Adawlut; in 1836, only 19 persons were committed on similar charges, of whom 11 were acquitted, 3 only convicted and sentenced by the Sessions Court, only 3 referred to the Nizamut Adawlut and 2 were tried in 1837, who are included above; but the number of cases of homicide which occurred were the same in each year, viz. 10: no increase of crime is therefore to be inferred from the increased number of commitments; but rather a greater activity on the part of the Magistrates and their Officers to bring the perpetrators to trial. The whole number of persons tried for all sorts of offences in 1836 were 66, in 1837 152, being an increase of 86, or much more than double. I am however inclined to deduct from this increase 12 commitments, all in one month which ought not to have been made (I had indeed more trouble in disposing of those trials than of many others properly presented to the Sessions,) and such an occurrence is not likely to happen again. Nevertheless with this deduction the Session business has been more than doubled in the course of a year, an increase which I have no reason to imagine will fall off."

"Out of 63 persons committed by Mr. Patton, I disapproved of the commitment of only three, but Mr. Patton's commitments are generally made with sound judgment, and as there must always be great latitude allowed, in a case of so much matter of opinion, less could not have been expected. Mr. Sconce's commitments were 17, I disapproved of the whole. The Court have not thought that Mr. Sconce has satisfactorily accounted for 13 of them, and the Magistrate Mr. Patton has disposed of the other 4 cases himself. I disapproved of 12 of Mr. Deedes, commitments out of 59, but of these 2 have been recommitted on amended charges, the errors being rather technical than real; and the Joint Magistrate's reasons in two others are before the Court, but in general Mr. Deedes' commitments are good and close. The Sessions Judge and Officiating Judge were employed 101 days in the duty of the Sessions; on 26 of which a short part of the day was given to necessary civil orders and petitions. The foregoing observations are creditable to the Officers alluded to, with the exception of Mr. Sconce, whose commitments while Officiating Magistrate of the 24-Pergunnahs do not appear to have been judiciously made. The disapprobation of the Court was duly communicated to Mr. Sconce on the exceptionable commitments being brought to their notice."

134. Four cases were called for at the English Sitting of the Nizamut Adawlut under the provisions of Section V. Regulation IX. 1831, or by precept on appeal. The sentence in one of them passed by Mr. Barwell was annulled; the remaining three cases had not been disposed of at the close of the year.

135. No prisoners were under reference from this District to the Court of Nizamut Adawlut at the close of the year 1836—sixteen were referred in 1837, and they were disposed of as noted in the margin.*

* Acquitted, ...	5
Convicted, ...	10
Pending, ...	1
	16

136. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1837:

By the Nizamut Adawlut.

Death, ...	1
Imprisonment for life in transportation beyond sea, ...	1
Imprisonment for life, ...	5
Imprisonment 10 years, ...	2
Imprisonment 3 years, ...	1
Total	10

By the Session Judge.

Imprisonment for 14 years and upwards, ...	19
Ditto 7 years and to 14 years, ...	28
Ditto 3 years and to 7 years, ...	31
Ditto 1 year to 3 years, ...	11
Total, ...	89

By the Magistrate of 24-Pergunnahs and his Assistants.

Imprisonment from 6 months to 3 years,	167
Less than 6 months,	342
Fined,	748
Dismissed from Office,	93
Required to give security,	83
Total,	1433

By the Joint-Magistrate of Baraset.

Imprisonment from 6 months to 3 years,	73
Less than 6 months,	132
Fined,	156
Required to give security,	14
Total,	375

GENERAL REMARKS.

137. The statements for the Magistracy of the 24-Pergunnahs, and the Joint Magistracy of Baraset were submitted with a very creditable report from Mr. Cracroft, the Sessions Judge, under date the 30th April: at the second paragraph of his letter Mr. Cracroft has the following remarks, on the state of the districts under his jurisdiction:—" Statement No. 1 for the 24-Pergunnahs, (and a supplementary comparison with the similar statement for 1836,) shew a slight decrease of crime; the crimes in which particular increase has taken place are burglaries unattended with aggravating circumstances, and in attempts to commit burglary. The principal decrease is in the detailed List of Miscellaneous Crimes: but for want of more accurate specification in this, and in the corresponding statement for 1836, I am unable to form any accurate comparison between these years; there appears however a decrease of assaults to the number of 47. The total decrease in that detail is 70 cases, but I am sorry to observe that though the number of offences thus classed has diminished, the graveness of them has been somewhat aggravated; a tumult attended with homicide including 13 defendants, arose I greatly fear from religious animosity against converts to Christianity, who are becoming very numerous in this District. In thirty-two cases, ninety-eight persons would appear from the statement, to have been sentenced by the Magistrate for oppression, and 10 committed for trial, but this designation appearing to be very indefinite, I sent for the 32 cases included under that head (as well as for nine others:) after a strict examination of 30 Nuthees, in the 32 cases reported as oppression, I find a total absence of accuracy in classing the charges." After giving a detail of 31 cases revised by him the Session Judge proceeds—" Of the above only 15 were strictly cases of oppression, 3 were heinous offences for which the body of the statement contains proper headings, and all the others ought to have been classed under appropriate heads in the miscellaneous detail: the other nine cases sent for and examined were all properly classed. I would suggest that some instructions in

addition to the note in Statement No. 1 (Circular Order 12th December 1834,) and to those in the Government letter, paragraphs 3d and 4th, November 1834, should be circulated to the Magistrate." With reference to the foregoing suggestion, the Court consider that the present returns when carefully prepared are calculated to furnish all necessary information: but that no minuteness of detail in the directions issued by the Court will compensate for the absence of a proper attention on the part of the magisterial authorities to the instructions, which at various times, have been circulated for their guidance. To these instructions the attention of the Magistrate of the 24-Pergunnahs will be requested.

138. In regard to the Joint Magistracy of Baraset, Mr. Cracroft observes—"the Baraset statement shews a small increase almost entirely in attempts to commit burglary: if these were omitted, which I think they ought to be, both this statement and that of 24-Pergunnahs would shew on the whole a great decrease of crime 41 and 57 as per margin.* I am of this opinion, because the attempts have probably failed from a greater vigilance of the Police; an increase in them is a proof of its improvement, not of deterioration, if at the same time actual burglaries have also diminished in number, which has been the case in the Baraset Division."

BARASET.
Omitting attempts to commit Burglary.

	1836.	1837.	
	691	686	Total.
24-Pergunnahs attempts, ...	14	66	Omitted.
	677	620	
		57	Decrease.
	1836.	1837.	
	795	816	Total.
Baraset attempts,.....	27	89	Omitted.
	768	727	
		41	Decrease.

139. Mr. Cracroft at paragraph 14 of his report has submitted his remarks on certain points connected with the administration of justice and Police of the Districts under his jurisdiction. These are given below with the Court's observations in juxtaposition.

The Court entirely concur with Mr. Cracroft as to the inexpediency and illegality of entrusting the investigation of cases of a petty nature to a subordinate Police officer, a measure strictly prohibited by Section 6, Regulation VII. 1811, and Clause 6, Section 11, Regulation III. 1812, and of the apprehension and compulsory attendance of defendants and witnesses in such cases without the previous issues of summons and subpœnas from the Magistrate's Court. The Magistrate of the 24-Pergunnahs and the Joint Magistrate of Baraset will be instructed to discontinue the practice in future.

"I have to state that both Magistrate and Joint Magistrate in my opinion leave too much to the discretion of their Police Officer, in cases not of a heinous nature nor offences against public peace. For instance in petty assaults, contempts of Courts and minor offences, the Magistrates frequently direct an enquiry to be made by a Police Officer or an European Serjeant, adding to their orders, "that if the case is found to be true, he shall send in (Chellaun) the parties and proofs (meaning witnesses) with his report," thus issuing a contingent writ to apprehend defendants and witnesses, at the discretion of an underling. This I consider contrary to the principles of Regulation XX. 1817, by which it is clearly intended that in all cases, short of heinous offences, the Defendant should attend on summons,

and not be apprehended till he has neglected to obey that summons, and it is evident that a subpœna should be taken from a witness instead of sending him in by "Chellaun." I request that the Court will direct the Magistrates to conform to this principle, and invariably abstain from giving discretionary power to their Police Officers, and not allow them to apprehend and send in defendants and witnesses in cases of misdemeanor or petty assault till a summons has been served and disobeyed."

The Court agree with the Session Judge, that it is not discretionary with the Magistrate to punish any one either bad or good, merely for giving a convivial party, or for going to it; but it does not appear to them to be any great hardship to require a suspected or known bad character to report to the Headman of his village when he is about to leave it. This however and the subject of the following extract are points within the immediate cognizance of the Superintendent of Police to whom the copies of the reports on the several Districts within his jurisdiction will be forwarded by the Court.

The Magistrate's (24-Pergunnahs) monthly reports have often shewn (as I have already stated,) cases under the denomination of "persons of bad character leaving their houses without notice," and of "congregating with evil intent" which are not inserted as such in the annual statements, the Joint Magistrate reports such cases as "absence" and "riotous convention." The former crime as designated in each Jurisdiction is not recognized by Regulations, but is arbitrarily punished by the Magistrates; it consists in this, a person who has been in Jail and is considered a bad character, leaves his house without reporting the same to the Gomastah or the Headman of the village, or to the Chowkeedar, or the Police Officers; if this comes to the knowledge of the Police Darogahs, they immediately apprehend him, and send him as a prisoner to the Magistrate, who sentences him to imprisonment. The crime of congregation with evil intent or riotous convention mostly consists in giving or going to a convivial party at the house of any person, who may be (or whom the Chowkeedar or Police Officer may consider,) a bad character. Persons committing this offence are apprehended and sent to the Magistrates, who sentence them to imprisonment. Both these practices

are in my opinion illegal, and vexatious, and are likely to tempt Chowkeedars and Police Officers to be more corrupt than they otherwise would have been. It is very proper, that if persons of bad character leave their houses for a length of time, particularly at night, or have assemblies at late hours in their own houses, the Police should have an eye to them, ascertain of whom they consist, where the parties have been, and what they are about, by any means, not affecting personal liberty; and report the same to the Magistrate; but it is not discretionary with a Magistrate to punish any one, either bad or good, merely for giving a convivial party, or for going to it, or because he may leave his house without notice: there is a Regulation which makes it penal for a Headman of a village to omit reporting the absence of a released prisoner, but there is no law, neither in my opinion ought there to be one, which should make it penal for the man himself to leave his house, without giving notice.

" It has been repeatedly stated to me by witnesses, in cases committed for trial, and complained of as a great hardship, that the Police Officers have required the inhabitants of villages to perform themselves the duty of patroles, also to take the duty of watching at particular points, under the denomination of Round or Gusht and Ghattee; and the assertions of these persons have been confirmed by the evidence of Chowkeedars and Watchmen, who have stated that they are authorized to do so by the Magistrate. I have not thought proper to call upon the Magistrate for copies of their orders, as I am doubtful how far I could enforce the demand; it being a measure of Police, but the subject being now communicated to the Superior Court, it

may either be referred to the Superintendent of Police, or the Court may at once prohibit such arbitrary and illegal measures."

The Court do not consider the practice of receiving petitions in the Magistrate's Court on a fixed day to be a measure of hardship. On the contrary they have every reason to believe, that it has been found very beneficial wherever it has been adopted, as it ensures the reception of a petition on a fixed day, and at the same time prevents the constant interruption to the Magistrate, when engaged in other equally important duties. By these observations the Court do not intend to say that occasions may not occur, when a Magistrate would be wrong in declining to receive, and act upon a petition without delay; but as a general practice they do not consider the plan adopted by Mr. Patton to be objectionable. The Court are not aware of any objection to the Magistrate's recording at the end of his final proceeding in a case an order for delivering of attested copies to the parties, as suggested by Mr. Cracroft.

"The Magistrate of the 24-Pergunnahs appears to hear petitions almost exclusively on Saturdays, which in cases where parties intend to prefer appeals become a great hardship, particularly if any accident prevents his attendance on the following Saturday as they often cannot for several days obtain copies of his roobookarees of conviction to be laid before the Sessions Judge. It may be perhaps deemed advisable by the Court, that days should be fixed for hearing petitions of a trifling nature, or for obtaining copies; but in that case the evil complained of might be avoided by a clause at the end of every final roobookary which may award punishment, allowing the parties, either plaintiffs or defendants, to receive a copy, if desired it without further orders."

The Court consider that in this case the imprisonment of the brother of the wife of the convert was unwarranted by any law; and they entirely agree with Mr. Cracroft in the remarks he has offered in regard to the caution and deliberation with which the Magistrate should have proceeded in the disposal of the case, and the enforcement of his orders. With reference to the concluding clause of the extract the Court consider that the Session Judge is quite right in the view he has taken of the case, and that the Magistrate possessed no right of interference in compelling the return of the woman to her husband. Mr. Patton will accordingly be requested to abstain from exercising on future occasions any such authority as that adverted to.

"The case of the Christian convert above noticed, whose wife would not cohabit with him after he became Christian, seems to demand particular attention, as similar cases are likely to occur often. The Magistrate imprisoned her brother for declining obedience to his order to deliver her to the convert, and at the same time offering groundless excuses." On this he was immediately sent to jail for two months. This was very wrong. The excuses should have been recorded, and a time should have been allowed for obeying the order, and to give an opportunity for appeal in such a doubtful case. If the woman had been given up, the injury to her might have been irreparable, she might have been deprived of her

caste, in a manner almost amounting to rape, under sanction of the Magistrate's order. On the case being appealed I applied for a Bewustah from the Pundit of the Sudder Dewanny Adawlut, though I had no doubt of the equity of the case, nor of the proper decision, according to Christian principles, (vide 1 Cor. VII. v. 15) which permits the unbeliever to depart—"a "brother or a sister is not under bond-"age in such case." The result was precisely what I expected. The change of religion released the wife, and the Magistrate's order was reversed. In fact, the whole of the orders in this case, particularly that of the 5th June on the Nazir's report appear to me so irregular and arbitrary, that I request the Court's particular attention to them, and their orders for the Magistrate's guidance. My proceedings in the case are also forwarded. I make these observations, because Mr. Patton has (in another case of this year,) passed orders with the view of compelling a Hindoo wife to cohabit with a Christian convert. It is quite clear to me, that he ought to refer the husband to sue in the Civil Court for marital rights in all such cases."

140. In regard to the time usually occupied by a criminal trial Mr. Cracroft observes—"In the 24-Pergunnahs Magistrate's Court 577 cases were pending on an average cases* 16½ days from the date either of institution or of the cause of action, till finally disposed of; and before the Joint Magistrate 398 cases averaged in like manner 26¼ days for each case. In the Sessions Court 32 cases committed from the 24-Pergunnahs and 16 from Baraset averaged a little more than 25 days for each case from the date of commitment till they were finally disposed of by this Court."

* See in original.

141. The Court have perused with great satisfaction the following testimony borne by the Session Judge to the merits of the Officers in charge of the District of 24-Pergunnahs and Baraset:—"In regard to the general character of the administration of the criminal Court of the District under Mr. Patton and Mr. Deedes, I beg leave to state that I am fully satisfied those Officers have exerted themselves to the best of their abilities, zealously and conscientiously in the performance of their duties, and that though some errors of practice may be perceived, they are mostly such as may be fairly set down to the score of the difficult nature of their duties,

and of the insufficiency of the instruments by means of which they are to be performed, and perhaps in Mr. Patton's cases to a zeal occasionally overcoming his judgment. There is on the whole a decrease of crime in the District under my jurisdiction attributable to the continued attention of those Officers to their respective duties, while an increase might have been expected with the increase of population, and of the prices of the necessaries of life."

142. The Court are satisfied with the manner in which the Session duties have been performed by Mr. Cracroft. The trials referred to them have been regularly conducted and the Sessions statements in general carefully prepared.

ZILLAH CUTTACK.

143. Mr. Mills was in charge of the Cuttack District during the past year.

* Acquitted, ...		477
Convicted, ...		1076
Committed, ...		137
Died, ...		2
Transferred to other Districts, ...		2
Remaining—		
In Jail, ...	7	
On bail, ...	4	
		11
		1705

144. At the close of the year 1836, there were 12 persons under trial, viz. 4 in jail, and 8 on bail, 1693 persons were apprehended or summoned during the year 1837, making a total of 1705. These persons were disposed of in the manner noted in the margin.*

* Heinous crimes, ...		3176
Apprehended, ...	1056	
Acquitted, ...	238	
Convicted, ...	687	
Petty offences, ...		482
Apprehended.....	649	
Acquitted, ...	244	
Convicted, ...	389	

145. The statements in the margin* exhibit the number of persons apprehended, convicted and acquitted in "heinous crimes," as well as "petty offences" by the Magistrate and his Assistants. In regard to the proportion of convictions and acquittals in the total number of persons apprehended and summoned by the Magistrate, the Court consider the returns to be very satisfactory; 28 persons were released in consequence of Razeenamehs having been filed, and 1 of non-attendance of the prosecutor. The Commissioner states that the average time occupied in the Magistrate's Court in disposing of cases was as follows:

Heinous cases, ...	13 days.
Miscellaneous Do.....	8 Do.

146. In their report for the year 1836, the Court noticed that "555 burglaries and 763 thefts are reported to have taken place in the District of Cuttack during the past year, (1836,) and as very few of these cases appear from the operation of Regulation II. of 1832 to have been investigated by the Police, the effects of this Regulation have no doubt produced this fearful increase of crime; as owing to the apathy of the persons robbed, no charges are formally preferred and the burglars and thieves are consequently allowed to enjoy their spoil with impunity." The Court regret to observe that their observations regarding the extent of crime are more forcibly applicable to the state of things during the past than the preceding

year. The number of burglaries during 1837, is shewn by the returns at 1010, and of thefts of every description 2123, including 8 cases of theft attended with the murder of children for the sake of their ornaments.

147. The number of persons in jail or on bail under examination on the 31st December last is noted in the margin;* and is considered very satisfactory.

* In Jail, ...	7
On Bail,.....	4
	11

148. No cases were pending in this District at the close of the year under Regulation XV. 1824.

149. Thirty persons were in confinement in default of security for good conduct at the same period.

150. The number of appeals preferred from the orders of the Magistrate and Joint Magistrate of this Division and their result is noted in the margin,* and does not appear to call for any particular remark.

* Regular Trials.		
Magistrate.		
Appeals preferred, ...		20
Confirmed,.....	9	
Modified or Reversed, ...	9	
Pending, ...	2	
		20
Joint Magistrate's,..		28
Confirmed, ...	13	
Modified or Reversed, ...	12	
Pending, ...	3	
		28
Miscellaneous Cases.		
Magistrate.		
Appeals preferred,.....		11
Confirmed,.....	6	
Modified or reversed, ...	4	
Pending, ...	1	
		11
Joint Magistrate.		
Appeals preferred,.....		9
Confirmed,.....	8	
Pending, ...	1	
		9

151. The criminal business actually pending in this District on the 31st December last is noted in the margin;* this Statement is considered satisfactory.

* Heinous offences, ...	5
Petty offences, ...	40
Proceedings from other Districts, ...	1
Applications and petitions of every other, description,	20
	66

152. In regard to the quantity of work disposed of by the Magistate and his subordinates, the Commissioner observes—" Mr. Mills had charge of the District, and, as will be seen, tried himself during the year no less than 392 cases. The Joint Magistrates disposing of 481 and the Assistants of 210. The duties connected with criminal justice in this Zillah have been most satisfactorily conducted."

153. Mr. Wilkinson had charge of this District to the 27th October, when he was relieved by Mr. B. Colvin, who continued in charge of the Magistracy to the close of the year.

Pooree or Southern Division of Cuttack.

* Acquitted,.....	439
Convicted,.....	600
Committed, ...	123
Died in Jail, ...	5
Remaining, ...	22
	1189

154. At the close of the year 1836 there were three persons under examination, viz. 1 in jail and 2 on bail or personal recognizance; 1186 were apprehended during the year 1837, making an aggregate of 1189. These persons were disposed of in the manner noted in the margin.*

* Heinous crimes, ...		1254
Apprehended, ...	883	
Acquitted,.....	355	
Convicted,.....	391	
Petty offences, ...		179
Apprehended, ...	306	
Acquitted,.....	84	
Convicted,.....	209	

155. The marginal* statements shew the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences," and is considered satisfactory. The Court observe again in this District the occurrence of a great number of offences of the nature of burglary and theft, viz. 208 burglaries, and no less than 1016 thefts. Only 2 persons were released in consequence of Razeenamehs being filed, and none on account of the non-attendance of prosecutors.

* In Jail, ...	18
On Bail, ...	4
	22

156. The number of persons in jail and on bail under examination at the close of the year is noted in the margin;* and does not call for any particular remark.

157. No cases were pending in this District on the 31st of December last under the provisions of Regulation XV. 1824.

158. Eight persons were in confinement in default of security for good conduct at the same period.

* *Regular Trials.*		
Appeals preferred,.....		9
Confirmed, ...	2	
Modified or reversed, ...	6	
Pending, ...	1	
		9
Miscellaneous Cases.		
Appeals preferred, ...		3
Confirmed, ...	1	
Modified or reversed, ...	2	
		3

159. The number of appeals preferred from the decisions of the Magistrate in Criminal trials, as well as in petty cases, and the result thereof is noted in the margin.* Though the proportion of decisions reversed or modified is large, the total number of appeals is very small; and Mr. Ricketts states that, in many instances, the difference of opinion between himself and the Magistrate was of very trifling import.

* Heinous crimes, ...	3
Petty offences, ...	6
Proceedings from other districts,...	2
	11

160. The Criminal business actually pending in this District on the 31st December last is noted in the margin.* The return is very creditable to the Magistrate Mr. Colvin.

161. Mr. Ricketts observes of this Magistracy, that its duties throughout the year were performed entirely to his satisfaction.

Joint Magistracy of Balasore.

162. No less than four officers were in charge of this Joint Magistracy during the year 1837—viz.

Mr. Repton, from 1st January to 23d February.
Mr. Scott, from 23d February to 4th April.
Mr. Vansittart, from 4th April to 8th July.
Mr. Raikes, from 8th July to 25th October.
Mr. Repton, again from 25th October to 31st December. The changes however were, with one exception, occasioned by sickness.

163. At the close of the year 1836, there were 19 persons under examination, viz. 6 in jail, and 13 on bail or personal recognizance; 534 persons were apprehended or summoned during the year 1837, making a total of 553. These persons were disposed of in the manner noted in the margin.*

* Acquitted,	197
Convicted,	297
Committed,	21
Transferred to other Jurisdictions,	13
Remaining,	25
	553

164. The marginal statements* shew the number of persons apprehended, convicted, and acquitted in "heinous crimes" as well as in "petty offences." The number of convictions for neglect of duty was 42. The return is considered satisfactory, 20 persons were released in consequence of Razeenamehs having been filed: and 39 of non-attendance of prosecutors.

* Heinous crimes,		418
Apprehended,	280	
Acquitted,	102	
Convicted,	134	
Petty offences,		187
Apprehended,	273	
Acquitted,	95	
Convicted,	163	

165. The number of persons in jail, or on bail at the close of the year is noted in the margin:* and calls for no particular remark.

* In jail,	13
On bail,	12
	25

166. One case was pending in this jurisdiction at the same period under Regulation XV. 1824.

167. Seven persons were in confinement in default of security for good conduct on the 31st December last.

168. The number of appeals preferred from the decisions of the Joint Magistrate in Criminal trials, as well as in miscellaneous cases, and the result thereof is noted in the margin.* The number of cases modified or reversed in criminal trials is large in proportion to the total number of appeals.

* Criminal Trials.		
Appeals preferred,		21
Confirmed,	6	
Modified or reversed,	15	
		21
Miscellaneous cases.		
Appeals preferred,		25
Confirmed,	12	
Modified or reversed,	12	
Pending,	1	
		25

169. The criminal business actually pending in this Joint Magistracy on the 31st December last is noted in the margin.* The return is very satisfactory.

* Heinous offences,	2
Petty offences,	9
Appeal,	1
Applications and petitions of every description,	22
	34

170. The Commissioner remarks with respect to the Joint Magistracy of Balasore—"Constant changes are always disadvantageous. I am satisfied with the manner in which the duties have been performed."

171. Mr. H. V. Hathorn was Session Judge for the Divisions of Cuttack and Pooree throughout the year 1837.

Sessions Court.

172. At the close of the year 1836, there were 4 persons under trial before the Sessions Court, 260 commitments were made in 1837, making a total of 264 commitments including 257 prisoners, some of the accused having been committed in two or three cases. They were disposed of as noted in the margin.* The Court observe a discrepancy of two prisoners in column 8 of the Commissioner's statement No. 12, and the memorandum of "convicted and sentenced" under the head of remarks. The error has been rectified in this office by reference to the monthly Session statements for Zillah Cuttack.

* Acquitted,	14
Convicted,	216
Referred to Nizamut Adawlut,	27
	257

173. The general result of the trials evinces the exercise of a sound discretion on the part of the committing officers. The Court observe that 142 persons were committed charged with the crime of dacoity, and the entire number convicted, a reference to the Session statements shews that the accused were in most instances urged to these acts of violence by want: and the following explanation of a trial tried by the Session Judge in the month of May, is applicable in its general features to most of the cases classed under the head of dacoity. "This dacoity took place at about 8 P. M. on the night of the 29th April last. The prosecutor's house, which is detached, and consisting of four apartments severally occupied by the prosecutor, his brother and their respective families, was attacked and grain and ornaments carried off to the value of about 83 rupees."

Horsee Patur and others.

"The prisoners, inhabitants of two villages situated about 2 coss off, were detected by the sprinkling of grain from the prosecutor's house to their adjacent villages. Upon their apprehension the prisoners one and all confessed, and a portion of the stolen property, chiefly ornaments, valued by the owner at 40 rupees, was found in several of their dwellings: the prisoners also confessed before the Magistrate, and with exception of No. 21 and 46 (who although they plead Not Guilty the inference of guilt is clearly apparent in their attempt to justify themselves) the whole have freely confessed before this Court."

"They plead starvation, which, from the known distress at present prevailing in Cuttack, is not unlikely to have been the cause of this open violence; it is corroborated moreover by the circumstances of few amongst the number having been armed, and the numberless baskets taken with them."

"The case however is aggravated by the fact of the party having been headed by the Khundaits and Chowkeedars of the villages; it is also peculiarized by the number of boys implicated, and the remarkable circumstance of those boys being all fatherless! In awarding punishment, according to the crime established against each prisoner, the above circumstances have been carefully borne in mind. The two principals who are Khundaits (or head village watchmen) have been sentenced, it will be observed to 14 years' imprisonment: the Chowkeedars implicated, to a period of 10 years each; the rest to 4 and 5 years' imprisonment, under the belief that they were driven to commit this outrage against society from absolute want."

"The sentence adjudged against No. 21, (viz. 3 years) for being an accessory before and after the fact, was in reference to his connivance as a watchman. The reduced sentence awarded to No. 46, for wilfully harbouring stolen property, was in consideration of age and infirmity; and the sentence inadequate to the crime, passed upon the nine boys (viz. six months with labor inside the jail), was deemed, under all the circumstances of the case, and with reference to the Futwah of the Law Officer, sufficient for the ends of justice."

174. One case called for by precept on appeal from the decision of the Session Judge, and received within the year, had not been disposed of at its close. In another case, the sentence of the Session Judge of six years imprisonment having been considered too severe, was reduced to four years by the Court at their English sittings.

175. Twenty-three persons were tried by the Commissioner of Cuttack during the year; and were disposed of in the manner noted in the margin.* The result is satisfactory.

* Acquitted, ...	4
Convicted, ...	15
Referred to Nizamut Adawlut, ...	4
	23

176. One case decided by the Commissioner was called for by the Court at their English sittings: and the Commissioner's sentence of eight months' imprisonment was enhanced to imprisonment for five years.

177. At the close of the year 1836 there were 82* prisoners under reference to this Court from Cuttack; and the cases of 27 prisoners were referred in 1837, making an aggregate of 109: these persons were disposed of as noted in the margin.†

NIZAMUT ADAWLUT.

* The resolution of 1836 states the number at 83. One case however was erroneously entered.

† Acquitted, ...	2
Convicted, ...	104
Pending, ...	3
	109

178. In one commitment above 80 persons were referred to this Court in the year 1836 on a charge of rebellion; but sentence was not passed upon them till the 18th February 1837. The case was adverted to in the 573rd paragraph of the Court's resolution for the year 1836: but the particulars of the case were not then laid before Government, as the proceedings were still under the revision of the Court. Notwithstanding however the lapse of time, the Court consider it expedient to submit for the information of Government a copy of the letter of the Session Judge of the 22d November 1836, detailing the circumstances of the transaction which gave rise to the trial. The whole of the prisoners were convicted in this Court and sentenced as noted in the margin.*

4	Imprisonment in transportation for life.
21	Ditto for 5 years.
40	Ditto for 4 years.
15	Ditto for 3 years.
80	

179. The following is an abstract of the sentences passed upon the prisoners convicted in the Districts of Cuttack, Poorce and Balasore during the year 1837:

By the Nizamut Adawlut.

Death, ...	1
Imprisonment in transportation for life, ...	5
Imprisonment for life, ...	5
Imprisonment 14 years, ...	6
Imprisonment from 7 to 14 years, ...	4
Ditto 3 to 7, ...	81
Imprisonment 1 year and under, ...	2
	104

By the Session Judge of Cuttack.

Imprisonment for 7 years and upwards to 14 years,	16
Ditto 3 to 7 years,	156
Ditto 1 to 3 years,	27
Less than 1 ditto,	17
	216

By the Commissioner of Cuttack.

Imprisonment for 14 years,	1
Ditto 7 ditto,	2
Ditto from 1 year to 3 years,	11
Less than 1 year,	1
	15

By the Magistrate of Cuttack and his Assistants.

Imprisonment for 6 months and upwards to 3 years,	457
Less than 6 months,	314
Fined,	272
Required to give security,	33
	1076

By the Magistrate of Pooree, or Southern Division of Cuttack, and his Assistants.

Imprisonment for 6 months and upwards to 3 years,	230
Less than 6 months,	219
Fined,	143
Required to give security,	8
	600

By the Magistrate of Balasore and his Assistants.

Imprisonment for six months and not exceeding 3 years,	94
Less than six months,	48
Fined,	134
Required to give security,	21
	297

GENERAL REMARKS.

180. The statements for the Division of Cuttack were submitted by the Commissioner Mr. Ricketts, with a letter under date the 4th April last. Crimes of the

nature of burglary and theft are shewn by the statements to be very prevalent in the Districts composing the Division of Cuttack; but the Police, in the absence of a prosecution regularly preferred, are precluded from investigating them. The Court however are satisfied, that the duties of the Magistracy in the several Districts are in very efficient hands.

181. The Court have every reason to be satisfied with the manner in which the Session duties have been conducted by the Commissioner and the Session Judge of Cuttack. The business of the Session Court for the District of Cuttack was very heavy, and in the manner of conducting the trials, as well as of submitting the references to this Court, and of preparing the monthly Session statements was very efficiently discharged by Mr. Hathorn.

(No. 38.)

To J. F. M. REID, Esquire,

Register to the Nizamut Adawlut,

Fort William.

Sir,

Court of Sessions, Zillah Cuttack, Trial No. 1 for the month of October 1836.
Southern Division Trial No. 1 of the Calendar for the month of September 1836.

Government, Prosecutor. *versus* 1 Punchoo Naik, *alias* Surn Singh, 2 Kirtebas Patsahanee and others,	*Prisoners.* Apprehended on the 7th, 10th, 16th, 17th, and 19th June, and 6th, 11th, 25th and 29th July, and 26th August 1836. Committed for trial on 5th September 1836.

Charge.—Rebellion against No 1 and 2
Aiding and abetting in rebellion against Nos. 4 to 92.
Futwa.—Against No. 1 and 2 perpetual imprisonment by seasut in banishment, and which may be extended to death. Against Nos. 4 to 92 (excepting Nos. 22, 32, 34, 35 and 75 acquitted, and Nos. 3, 6, 9, 14, 31, 83, and 76 deceased) imprisonment by accoobut, at the discretion of the ruling power.

I have the honor to transmit herewith, to be laid before the Nizamut Adawlut, the proceedings on the trial noted in the margin held at the station of Cuttack on the 24th, 25th, 26th, 27th, 29th and 31st October, and 1st, 2nd, 3rd, 4th, 5th, 7th, 8th, 9th, 10th, 11th and 12th of November 1836.

2. In order to present to the Sudder Nizamut Adawlut the result of this trial in the most comprehensive manner, I have ventured to accompany this report with a Statement exhibiting a summary of the evidence against each prisoner: I have also, for facility of reference, furnished a sketch of the country where the rebellion took place, and now proceed to recapitulate briefly the circumstances of the case.

3. Banpore is represented by Mr. W. Wilkinson, the Magistrate of Pooree, to be the most Southern Pergunnah in the Southern Division of Cuttack, situated on the Western side of the Chilka lake, consisting of two large and fertile vallies, bounded on three sides by hills and jungles and on the fourth by the lake, and forming a part of the Estate of Killah Khoordah.

4. The Pergunnah of Banpore is divided into what are termed "Seemas," signifying Mehals, to which are attached "Dulbehras," having from 60 to 100 beegahs of Jagheer lands.

"Bisoees" ditto 40 to 100 ditto,
"Naiks" (or heads of villages) 10 to 20, and
"Paiks" (to whom Jagheers are not now granted.)

5. The Seemas, Mr. Wilkinson informs me, vary in size.

Seema Chutterjurh having 7 or 8 villages.

„	Kunth Mul,.....	20 or 25	The Paiks of these Seemas were for the most part actively engaged.
„	Chumpagurh, ...	5 or 6	
„	Chumpajurh, ...	30 or 35	
„	Bhatparah, ...	25 or 30	The Paiks of these Seemas it is believed did not join.
„	Punchpullee, ...	25 or 30	
„	Sonakhullee, ...	10 or [illegible]	

Seema Nagree. (The villages of which are separately assessed.)

6. The above short description of the District of Banpore will enable the Court to understand the meaning of the local terms employed in the following narrative of events, as well as the relative situation of the parties engaged in this act of rebellion against the State.

7. It appears that some days prior to the insurrection, one Lochun Bissoee, son of Mudhoo Bissoee, (a proclaimed rebel, who was pardoned along with Jugbundhoo Biddiadhur, the leader of the last rebellion in 1817-18,) concerted measures with Punchoo Naik, (No. 1,) (a resident of Roorung, the hereditary property of the above named Jugbundoo,) and some Goomsur rebels, (not known) to capture and plunder the town of Banpore.

8 Accordingly, on Friday the 3d June last, these parties (at that time not more than 30 or 40 in number) assembled at Girh Arang, ("girh signifies a castle, and is used by the Hindus synonymous with "killah," used by the Mussulmans,) and apparently without much difficulty persuaded Kirtebans Patsahanee, (No. 2.) the Dulbehra of that place, to join their cause.

9. The Khunds and Paiks of Arang and the surrounding villages were immediately summoned to attend with their arms—and all instantly obeyed, although it is urged that they were intimidated by threats; no force however, as will appear in the sequel, was ever used.

10. On the evening of the 4th, the rebels had increased to 3 or 400 in number, when Punchoo Naik, (No. 1,) under the assumed name of "Surn Sing", was proclaimed Rajah of Banpore—shortly after, the whole party, consisting of about 200 armed Khunds and Paiks, headed by the Rajah, Kirtebas Patsahanee, and Lochund Bissoee, and as many Goomsur rebels (amongst whom one Runbar Sing was conspicuous as the chief,) marched from Arang to Bhitessa, (distant about 10 miles,) and from thence to Banpore (3 miles further,) where they arrived on the morning of the 5th.

11. Soon after day-break the rebels attacked the guard of Sepoys and Burkundazes stationed at the Police Thanah, and, after exchanging a few shots, were repulsed with 1 killed, and 2 wounded. The pursuit however not having been followed up, the rebels returned to the charge in three divisions, when the Government officers, following the example of the Darogah, who had taken to his heels at the first onset, became alarmed at the disproportion of numbers, and fled.

12. The Police Thannah and a small Salt Chokey, the property of Government, together with the dwelling houses of Bhugwan Sethee and Fakeer Bhopa, inhabitants of Banpore, were then set fire to, and destroyed, and the houses of all the respectable merchants and residents were plundered.

13. The Rajah and Kirtebas, after having committed the above outrages returned with their rebel army to Bhitessa, from whence summonses were issued to the surrounding Dulbehras and Bissoees, to attend with their force of armed Naiks and Paiks. These summonses were also obeyed: by some perhaps from intimidation, by the generality, probably, in the hope of enriching themselves by plunder.

14. In the course of the day Kirtebas and the Rajah (Punchoo Naik) took up their position at Santrapookee, where they caused the attendance of some of the principal mahajuns, and from them extorted money for supplies and ammunition—about 110 Rupees are said to have been collected in this way—100 Rupees of which were entrusted to the care of Kirtebases Patsahance, (No. 2) and the remaining Rupees 10 were distributed amongst the Paiks.

15. On Monday the 6th, it was determined that they should proceed to Burkowl, a village situated on the banks of the Chilka lake and distant about 6 miles; they accordingly, in the afternoon, started to that village in considerable numbers. The Rajah having been accommodated with a palanquin through the exertions of Pindukee Ghos (No. 84) acting Burkundaze of Thannah Banpore! and Kirtebas Patsahance mounted on horseback.

16. They arrived at Burkowl in the evening, where, meeting with no resistance, they wantonly set fire to the Government bungalow belonging to the Salt Department, and retired for the night to Tujunpore (a small village) to the northward also on the banks of the lake. The neighbouring villages (Munrajpore and Charapadur) did not escape plunder; throughout the night and the following day the inhabitants were constantly molested by these freebooters.

17. It does not appear by the evidences taken, that any further depredations took place.

18. The following day, the Dulbehras and other influential residents in the Seemas north of Banpore, laid a scheme for the apprehension of the Rajah and his gang, who had proceeded to their Head Quarters at Bhitessa, via Bheempore, with a view, it would seem, of concerting measures for an attack on the Government Officers at Tanghy.

19. The plan devised for the capture of the Rajah proved successful; he was inveigled back to Bheempore in the hopes of obtaining a re-inforcement, and there secured along with Kirtebas (No. 2.) without much difficulty.

20. The loss sustained by Government by the destruction of public buildings amounts to about 1700 Rupees, and the value of property plundered belonging to private individuals is estimated about 2500—total 4200.

21. Having given an outline of the proceedings of the rebels from first to last I now beg to refer more particularly to the trial; the subjoined memorandum exhibits the number of convictions, acquittals, and casualties.

MEMO !

Committed.	*Deaths.*	*Convictions.*	*Acquittals.*
92	7	80	5

List of Casualties.	*Acquittals.*
No. 3. Ruttee Naik, 23d Septr. 1836.	No. 12. Haroo Naik.
6. Ram Janee, 10th Novr. „	32. Gunga Naik.
9. Moolee Janee, 20th Septr. „	34. Urjoon Naik.
14. Soombaree Janee, 15th Octr. „	35. Bunmallee Janee.
31. Peetibes Naik, 19th „ „	75. Juggernauth Bissoee.
33. Bhuggee Janee, 5th Novr. „	
76. Deemah Behra, 27th Septr. „	

22. The Futwah of the law officer of this Court convicts the prisoners named in the margin of "rebellion," and declares them liable to perpetual imprisonment (by Seasut) in banishment, or if necessary with a view to prevent the recurrence of the like, in future their sentence may be legally extended to death.

No. 1. Punchoo Naik *alias* Surn Sing.
No. 2. Kirtebas Patsahanee.

23. The law officer convicts also the remaining prisoners who stood their trial (with exception of Nos. 12, 32, 34, 35 and 75,) "of aiding and abetting in rebellion," and pronounces them liable to imprisonment (by accoobut) at the discretion of the ruling power.

24. Respecting the 5 prisoners excepted in the preceding paragraph the Law Officer is of opinion that there exists no proof or presumptive evidence of their guilt, although he admits there are grounds for suspicion, and accordingly considers them entitled to their release.

25. I concur with the Futwa of the Law Officer of this Court in the conviction of Punchoo Naik (No. 1) and Kirtebas Patsahanee (No. 2) as principals, and also in the conviction of the seventy-eight prisoners (below detailed) as aiders and abetters in rebellion. It is also with my entire concurrence that the remaining five prisoners, above* named, have been acquitted—but I have deemed it proper as a measure of precaution to liberate them on security for good conduct for the space of one year, or in default to be imprisoned for that period. I shall now proceed to offer some remarks upon the evidence and the degree of guilt which in my opinion has been established against each prisoner.

(* Vide Para. 21.)

26. After a careful consideration of the evidence adduced in support of the charge, and of what the prisoners have severally urged in defence, I think those convicted may be divided into four classes;

1*st. Class.*—The principals.

2nd. Class.—Aiders and abettors—attended with aggravating circumstances including those who accompanied the Rajah bearing arms *throughout* the Rebellion.

3rd. Class.—Aiders and abettors who were in attendance upon the Rajah bearing arms during *some part* of the Rebellion but who were not distinguished by any peculiar acts of open violence.

4th. Class.—Aiders and abettors *indirectly*, or those who although not proved to have been in attendance upon the Rajah at any time, took advantage of the disturbed state of the country and plundered houses during the Rebellion.

First Class.
The principals (two prisoners.)
No. 1 Punchoo Naik.
and *alias*
Surn Singh.
No. 2 Kirtebas Patsahanee.

27. I have no hesitation in placing these prisoners in the first class. Upwards of 30 witnesses have sworn to the facts recorded in the summary of evidence against them.

Punchoo Naik (No. 1) moreover confesses the crime of which he is charged, accusing Kirtebas (No. 2) and others of having persuaded him to head the rebels upon the assurance that all the Dulbehras of Banpore had promised their support—that in the end he would be amply remunerated, adding that there was no cause for alarm or reason to dread the consequences as the great Jugbundhoo the leader in the last Rebellion (in 1817-18,) had received a pension from the Government.

28. The prisoner Kirtebas, (No. 2.) retaliates, he confesses to have accompanied the rebels from first to last but urges that he was seized by Punchoo Naik, Lochund Bissoee, Runbar Singh (of Goomsur) and others, who threatened his life and forced him to join. He pleads further that throughout the Rebellion he was kept in the custody of Khunds, mentions the circumstance of his uncle Chunder Sockur, Rawotra informing at the Thanah, and cites witnesses to prove that he was under restraint.

29. The defence set up by Punchoo Naik is not worthy of a moment's consideration, and what is urged by Kirtebas Patsahanee is easily susceptible of refutation. The evidence against the latter prisoner clearly proves that he was a free and willing agent, and that supposing him to have been under restraint, numerous opportunities of escaping occurred of which he did not avail himself. In corroboration of his having been a free agent, I may instance the fact of his assembling the Mahajuns at Santrapookree at a time when the Rajah was not present there, and writing with his own hands the sums of money to be paid by each Mahajun for supplies and ammunition. In proof also that the act was voluntary and that he might easily have escaped at any time, nay more, that he might have captured the whole party and prevented the rebellion; it is sufficient to note the circumstance that when the rebel party came to Arang and seized him, as he calls it, they did not, by his own account exceed 30 in number, and who were they? perfect strangers, whereas he was the appointed Dulbehra of Arang, an influential person having 40 armed Paiks under his command, and might in connection with the other Dulbehras during the time spent by the rebels at Arang in concocting arrangements, have assembled a force sufficient to have repelled ten times that number, but nothing

of the kind was ever attempted, on the contrary his own Paiks give evidence against him, declaring that "they felt bound to follow when their *Chief* led;" it also appears that he alone amongst the rebels was mounted on horseback, armed with a sword and shield.

30. Regarding the intimation to the Thannah said to have been given by his uncle Chunder Seekur, Rawatra, no such letter is forthcoming. The letter addressed by his uncle to Narindeh Sing Dulbehra of Chumpajurh and which was *forwarded*, to the Thannah is a very equivocal production.* Its import may be taken as favoring either party. I confess that I have very strong suspicions against Chunder Seekur Rawotra—the uncle of Kirtebas Patsahanee. Many of the Khunds of Arang who are implicated do not hesitate to charge Chunder Seekur with having issued the order to them to accompany Kirtebas, and see that no danger befel him. This circumstance coupled to the equivocal letter abovementioned, leads me to suppose that he in reality sided with the Rebels, and adopted the manœuvre of writing to the Magistrate of Pooree, (as it appears that he did subsequently) merely to calm suspicion against himself, and in the hope of proving his nephew's innocence in the event of his being accused.

* I beg to invite attention to this document.

31. On a reference to the abstract of evidence it will be observed that the generality of these prisoners were in company with the Rajah throughout the rebellion; that these cases are all more or less agravated, either by special acts of violence or peculiar circumstances, rendering them deserving of a very severe punishment, I beg to draw attention particularly to the cases of prisoners No. 23 and 84—the former Sheeboo Naik (23) it will be found was implicated in the last rebellion and has only recently been liberated from jail after 14 years' imprisonment. The case of the latter Pindukee Ghose (84) is equally aggravating and unpardonable, having been at the time in the employ of Government as acting Burkundaz of Thannah Banpore.

Second Class.

Aiders and abettors—attended with aggravating circumstances, including those who accompanied the Rajah bearing arms throughout the rebellion (eleven prisoners.)

No. 7. Juldur Naik.
23. Sheeboo Naik.
38. Ruthee Bulyar Sing.
45. Jundhoo Mahartha.
46. Lukhun Pullaee.
60. Aruth Kullapahar.
64. Kesub Naik.
80. Bhaig Biswal.
81. Mohun Santra.
82. Anunt Naik.
84 Pindukee Ghose.

32. The body of prisoners convicted fall into this class. Their participation in the rebellion is established either by the evidence of witnesses, or by their own voluntary confessions. Many have urged in defence that they were forced to join—that the principals sent armed messengers who threatened to burn their houses and plunder their property if they refused. I do not find however that these threats or denunciations were ever carried into effect, and even supposing that they were held out, I am of opinion that no intimidations can justify the act of bearing arms against the British Government.

Third Class.

Aiders and abettors who were in attendance upon the Rajah bearing arms during some part of the rebellion, but not distinguished by any peculiar acts of open violence (fifty-two prisoners.)

Nos. 4, 5, 8, 10, 11, 13, 22, 24, 25, 26, 27, 28, 29, 30, 36, 37, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63, 65, 66, 67, 68, 72, 73, 74, 79, 83, 85, 86, 87, 88, 89, 90, 91, 92.

33. These 15 prisoners will be found to have plundered houses either at Banpore or in the vicinity of Burkowl during the rebellion, and which fact is substantiated either by their own confessions, the evidence of witnesses or the restoration of property on the capture of the Rajah to avoid being implicated.

Fourth Class.

Aiders and abettors *indirectly*, or those who although not proved to have been in actual attendance upon the Rajah at any time took advantage of the disturbed state of the Country, and plundered houses during the rebellion (fifteen prisoners.)

Nos. 15, 16, 17, 18, 19, 20, 21, 47, 48, 49, 69, 70, 71, 77, 78.

34. A question may arise as to the propriety of classing these prisoners as aiders and abettors in the rebellion, but after mature consideration on this point, I think the circumstances of the case will justify the arrangement.

35. Having laid before the Nizamut Adawlut every particular connected with this important case as clearly and concisely as the bulk of voluminous proceedings would admit of, I beg to leave the award of suitable punishments to the judgment of the Superior Court.

36. In passing final sentence the Court will not fail to recollect the present disturbed state of our possessions in that quarter; and it is also to be borne in mind that this is not the first instance of rebellion in Zillah Khoordah. The crime of which the principals stand convicted, whatever lenicncy the Court may be disposed to show towards the misguided followers of these rebel chieftains, demand in my humble judgment the most exemplary punishment. The case of Kirtebas Patsahanee (No. 2.) is particularly aggravating, but both are equally deserving of the utmost penalty which the law can inflict.

I have &c.

(Signed) H. V. HATHORN,

Officiating Session Judge.

ZILLAH CUTTACK,
The 22d November, 1836.

ZILLAH BACKERGUNGE.

182. Mr. H. Stainforth was Magistrate of Backergunge from 1st January to 22d May, when he was relieved by Mr. Bruce who continued in charge of the office to the close of the year.

183. At the close of the year 1836 there were 107 persons under examination, viz. 22 in jail and 85 on bail or personal recognizance; 2727 were apprehended or summoned in 1837 making a total of 2834. These persons were disposed of as noted in the margin.*

* Acquitted,	537
Convicted,	2112
Committed,	144
Died,	1
Transferred to other jurisdictions,	2
Remaining—	
In jail, 23	38
On bail, 15	
	2834

184. The marginal statements* shew the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." On this subject the Magistrate remarks as follows in a letter to the Session Judge dated 17th January last—"I am not of course aware of the proportion in other Zillahs, but I can conscientiously state, and you will bear me out in the observation, that the most strenuous efforts have been made to render the acquittals as few as possible

* Heinous crimes,	60
Apprehended,	426
Acquitted,	103
Convicted,	192
Petty offences,	945
Apprehended,	2408
Acquitted,	434
Convicted,	1920

in number, not only as regards the cases investigated by myself, but by impressing the importance of the subject on my assistants; and, as far as I can form an opinion on work performed by my subordinates and myself, I am inclined to think that the present state of criminal justice in this Zillah in this respect, is susceptible of very little improvement, with reference particularly to the standard of morality among the inhabitants of Lower Bengal—*2256 persons have been convicted and committed to the Sessions during the year, and 537 acquitted." The Court consider the returns to be very satisfactory. Of the convictions for petty offences 1167 were for assaults, and 120 for neglect of duty—33 persons were released in consequence of Razeenamehs having been filed and none on account of non-attendance of prosecutors.

* The following exhibits the detail :

Name of the Magistrate and Joint Magistrate.	Punished.	Acquitted.
By Mr. Stainforth, Magistrate, ...	94	79
" Mr. Bruce, Officiating ditto,...	546	66
" Mr. Monckton, Officiating Joint Magistrate,.....	509	185
" Mr. Ward, ditto ditto, ...	43	8
	1192	338
" Sudder Ameen, ...	405	30
" Law Officer,.....	515	169
	2112	537
Committed to the Sessions,...	144	0
	2256	

185. The number of persons under examination in jail or on bail at the close of the year is noted in the margin,* and requires no particular observation.

* In jail,..... 23
On bail, ... 15
38

186. Two cases were pending in this District under Regulation XV. of 1824.

187. Eighteen persons were in confinement at the close of the year in default of security for good conduct.

188. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate (Mr. E. C. Monckton,) in regular trials as well as in miscellaneous cases, and the result thereof is noted in the margin.* The number of decisions passed by the Joint Magistrate which have been reversed or modified appear proportionately large. The Session Judge however observes on this subject: "The appeals from the decisions of the Magistrate and Joint Magistrate are not more than might have been expected, and with very few exceptions indeed during my time, the awards of those officers have been found good and just and consequently upheld."

* REGULAR TRIAL.

Magistrate.

Appeals preferred,.....		92
Confirmed, ...	67	
Modified or reversed, ...	20	
Pending, ...	5	
		92

Joint Magistrate.

Appeals preferred, ...		86
Confirmed,.....	38	
Reversed or modified,.....	46	
Pending, ...	2	
		86

MISCELLANEOUS CASES.

Magistrate.

Appeals preferred,.....		6
Confirmed,..... ..	2	
Modified or reversed, ...	3	
Pending,.....	1	
		6

189. The criminal business actually pending in this District on the 31st December 1837, is noted in the margin.* The return is considered satisfactory.

* Heinous offences, ...	3
Petty Ditto,.....	92
Proceedings from other Districts, ...	8
Applications and petitions of every other description,.....	113
	216

190. Mr. J. Stainforth was Session Judge of Backergunge from the commencement of the year to 13th July, when he made over charge of the office to Mr. Smelt the present Judge.

Sessions Court.

191. At the close of the year 1836, there were 27 persons under trial: 143 persons were committed during the year 1837, making a total of 170. The persons were disposed of in the manner noted in the margin.* The proportion of convictions to acquittals is satisfactory, and the Session Judge observes that Mr. Bruce's commitments were made on good and sufficient grounds; but the number of commitments annulled is very large. The Court remark that the whole 45 commitments were included in two cases—one case in which 21 persons were committed was sent back at the Magistrate's own request for further investigation, and in the other consisting of 24 prisoners, the commitment was so defective, that it was not practicable for the Judge to proceed to trial. The Session Judge has been called upon to report what has since been done with respect to these two cases.

* Acquitted,	6
Convicted,	101
Referred to Nizamut Adawlut,	17
Commitments annulled,	45
Remaining for trial,	1
	170

192. Nine cases called for by the Court at their English sittings, or by precept on appeal, were reviewed by the Court within the year, with the exception of one trial which was not disposed of at its close. In 5 cases the sentences passed by the Session Judge were not interfered with: and in three the punishments were enhanced. In one instance a sentence of 7 years' imprisonment passed by Mr. Stainforth was reduced by the Court to 3 years at their English sittings: and in another a conviction of perjury by Mr. Smelt was annulled, and the release of the prisoner ordered.

193. At the close of the year 1836 there were 8* prisoners under reference to this Court—17 were referred in the year 1837 making a total of 25. They were disposed of as noted in the margin.†

Erroneously stated as 9 in the report for 1836.	
Acquitted including one insane,	7
Convicted,	18
	25

194. The following is an abstract of the sentences passed upon the prisoners convicted in this District in the year 1837.

By the Nizamut Adawlut.

Death,	3
Imprisonment for life,	5
Ditto 14 years,	3
Ditto 7 ditto,	5
Ditto 3 ditto,	1
Less than 1 ditto,	1
	18

By the Session Judge.

Imprisonment for 7 and upwards to 14 years,	13
3 years and upwards to 7 ditto,	59
1 ditto and upwards to 3 ditto,	15
Less than 1 year,	14
	101

By the Magistrate and his Assistant.

Imprisonment for 6 months and upwards to 3 years, ...	316
Less than 6 months, ...	888
Fined, ...	888
Required to give security, ...	20
	2112

GENERAL REMARKS.

195. In noticing the number of convictions in proportion to the number of acquittals on the present occasion, it is satisfactory to the Court that they are not obliged to qualify their approbation with remarks of the nature they considered it necessary to record on the state of the District of Backergunge in their report for the year 1836. It was then observed "the District of Backergunge appears during the latter part of 1835 and the last year (1836) to have been in a state of the greatest anarchy and confusion, plundering expeditions of the most outrageous nature were carried on in the day time, and in open defiance of the Police." The improvement in this respect which has taken place during the year 1837 is exhibited in the following extract from the Magistrate's letter to the Session Judge under date 17th instant—"The crime for which this District has of late years been so famous, and which has given rise to so much correspondence between Government and the local officers, viz. "attack and plunder," is, I am happy to say, almost extinct—"you know the anxiety the matter has cost me, and the feelings of satisfaction I felt at the successful result of my endeavours, in the absence of a crime of the kind since I joined my present appointment." The testimony of the Session Judge to the same effect is expressed in the following terms—"It is, no doubt, well known to the Court that a very few years ago this District was infested throughout by daring dacoits, and on their being put down, numerous assemblages of lawless people in large bodies were formed, who in the face of day attacked the houses and plundered the property of individuals, known to possess wealth, or towards whom animosity or hatred had been in some way or other incurred. This offence too has been in a great measure, if not entirely suppressed; for not a single instance has occurred, since I have been in the District coming under the aggravated denomination of "attack and plunder". This improved state of things is considered very creditable to the officers* who have held the Magistracy of Backergunge during the period under review.

* Mr. Stainforth. Mr. Bruce.

196. Murders of the most cruel and atrocious description are still prevalent in Backergunge. The Court concur with the Session Judge in the following remarks on this subject—"It must be acknowledged however that there still remains a more heinous offence, of which the commission is lamentably frequent; I mean that of "wilful murder"! The numerous instances of its perpetration, which I have submitted for the orders of the superior Court are truly shocking; and I fear there is but little prospect of putting a stop to this dreadful crime, until some great improvement is effected in the moral character of the natives of this Zillah; all the instances, that have come before me, evidently originates either in sudden gusts of

passion or jealousy; they appear to me quite beyond the control of the Police, for they are committed long before the Police can by any possibility interfere, but it is gratifying to know, that in every one, the Police have evinced the greatest alacrity in apprehending the offenders, almost immediately after the perpetration of the crime; and equal praise is due to the Acting Magistrate in as speedily bringing them to trial before the Sessions."

197. A glaring instance of corruption on the part of a ministerial officer was brought to the notice of the Court in the trial of Moorooddeen Mahomed Sherishtehdar of the Magistrate's and Collector's offices. This individual was put on his trial on eleven distinct charges of bribery, on the majority of which he was fully convicted by the Session Judge, and sentenced to imprisonment for 5 years which was subsequently confirmed by this Court. In his remarks on the trial of the accused the Session Judge has the following observations—" During the trial of these several cases a scene of bribery and corruption on the part of Nooroodeen has been brought to light which has existed for many years, and I should hope has no parallel. Not a Police Darogah could be appointed, relieved or allowed leave of absence, not a Mohurrir or Jemadar promoted, or appointed, not a Surburakar nominated, not a sale for arrears of revenue cancelled, not a settlement made, without Nooroodeen turning it to his own private ends: and on the trial hardly a single witness was examined, but what bore the fullest testimony to the grossest system of corruption." The Court conclude that the proper steps have been taken by the local authorities to bring the case to the notice of Government.

198. The want of a river Police establishment noticed by Mr. Smelt in the 5th paragraph of his letter should be brought to the notice of the Superintendent of Police by the Magistrate of Backergunge.

199. The Court consider that the administration of criminal justice in the District of Backergunge during the past year, has been efficient; and they have perused with pleasure the following observations of the Session Judge in regard to the manner in which the Magisterial duties have been conducted by Mr. Bruce. "Notwithstanding the deficiency of establishment I have noticed above, I have great pleasure in recording that to the best of my judgment the administration of criminal justice is prompt and efficient, and I have infinite satisfaction in stating that I consider the exertions of Mr. Bruce in this department to be highly praiseworthy. His indefatigable attention to his duties; and protracted attendance at office daily (which I have the opportunity of personally witnessing) and the correct judgment he forms, merit much higher encomium than I am able to give them."

200. The business of the Session Court has been satisfactorily performed by Mr. Smelt. The trials have been regularly conducted, and the statements and reports carefully prepared and punctually submitted.

ZILLAH DACCA.

201. Mr. James Grant was Magistrate of Zillah Dacca throughout the year 1837.

Magistrate's Court.

202. At the close of the year there were 35 persons under examination, viz. 3 in jail and 32 on bail, and 1443 persons were summoned or apprehended during the year, making a total of 1478 persons under examination. These persons were disposed of in the manner indicated in the margin.*

* Acquitted,		416
Convicted,		934
Committed,		72
Escaped,		1
Under trial—		
In jail,	13	55
On bail,	42	
		1478

203. The statement entered in the margin* shows the number of persons who were summoned or apprehended charged with heinous crimes or petty offences, and the number convicted and punished, and the number acquitted. The Court observe that 100 persons were punished for neglect of duty and 146 for contempt of Court. As the number of persons punished for the last mentioned offence is considerable, the Officiating Session Judge will be requested to call upon the Magistrate for an explanation on this point, and to submit the same, with his own opinion as to its sufficiency for the consideration of the Court. The proportion of convictions to acquittals is in other respects satisfactory.

* Heinous crimes,	168
Apprehended,	408
Convicted,	205
Acquitted,	115
Petty offences,	1051
Apprehended,	1070
Convicted,	729
Acquitted,	301

204. The number of persons in jail or attending on bail on the 31st December 1837, is noted in the margin.* No remark is called for.

* In Jail,	13
On Bail,	42

205. Three suits under Regulation XV. 1824 were pending at the end of the year.

206. Eleven persons were in confinement on the 1st January 1838 on default of security for good conduct.

207. The number of appeals preferred from the orders of the Magistrate in regular trials and miscellaneous cases, and the manner in which the appeals were disposed of, are shown in the margin.* The appeals are rather numerous, and the result unsatisfactory.

* Appeals.

Regular Trials.

Preferred,		84
Confirmed,	36	
Reversed or modified,	43	
Pending,	5	
		84

Miscellaneous Cases.

Preferred,		19
Confirmed,	5	
Reversed or modified,	5	
Transferred to the Session Judge and Superintendent of Police,	9	
		19

208. The criminal business actually pending in the district on the 31st December last, is noted in the margin.* The Magistrate remarks that 14 of the heinous cases have been decided, but are entered as under investigation because all the defendants have not been apprehended. But after making the required deduction, the quantity of business still pending must be considered large. This is probably owing to the time occupied by Mr. Grant in the discharge of his fiscal duties—a circumstance to which the Officiating Session Judge ascribes the delay which occurs in the preparation of the monthly statements.

* Heinous Crimes,	34
Petty offences,	314
Appeals,	15
Proceedings from other Districts,	50
Miscellaneous cases,	102
	515

ZILLAH FURREEDPORE.

Joint Magistrate's Court.

209. Mr. R. B. Garrett was Joint Magistrate of Furreedpore during the year under review.

* Acquitted,		191
Convicted,		937
Committed,		66
Escaped,		4
Transferred to other jurisdictions,		2
Under Trial.		
In Jail,	2	15
On Bail,	13	
		1215

210. At the close of the year there were 67 persons under examination, (viz. 13 in jail and 54 on bail,) and 1148 persons were summoned or apprehended during the year, making a total of 1215 persons under examination, whose cases were disposed of in the manner shown in the margin.*

1 Re-apprehended.

* Heinous crimes,	108
Apprehended,	198
Convicted,	85
Acquitted,	39
Petty offences,	2774
Apprehended,	1017
Convicted,	852
Acquitted,	152

211. The statement in the margin* shows the number of persons apprehended for heinous crimes and for petty offences, the number convicted, and the number acquitted. The proportion between the convictions and acquittals would have been considered very satisfactory, did there not appear several circumstances to qualify the favorable opinion which the Court would otherwise have recorded. The Court observe that 2517 assaults are stated to have occurred, though only 607 persons could be found to answer to the charges and 484 persons only were proved guilty of the offences charged. It appears also from a report furnished by Mr. Garrett under date the 22d August last, that when "a party presents a petition charging several other persons with assault, the case is immediately numbered, and remains pending on the file until every defendant, *against whom the charge is proved*, is apprehended and punished;" involving generally a delay of some months. This practice leads to the crowding of the statements to an unnecessary degree. The great number of convictions may also be ascribable to Mr. Garrett's practice of taking the evidence against defendants in their absence; and on their appearance not giving them an opportunity of cross-examining the witnesses for the prosecution, unless they express a wish to that effect. This practice, the existence of which became known on the revision of the monthly statements, has been prohibited, and, the Court trust, continues no longer. The Court further observe that 165 persons were punished for neglect of duty and concealment of crimes, and 54 persons for preferring false complaints, 27 persons were discharged on compromises, and 6 persons in consequence of the non-attendance of prosecutors.

* In Jail,	2
On Bail,	13

212. The number of persons in jail or in attendance on bail, at the close of the year, is noted in the margin,* and calls for no remark.

213. One case under Regulation XV. 1824, was pending on the 31st December 1837.

214. Thirty-seven persons were in confinement on default of security for good conduct.

215. The number of appeals preferred from the orders of the Joint Magistrate in criminal trials and miscellaneous cases, and the manner in which they have been disposed of, are noted in the margin.* The result is considered satisfactory.

* APPEALS.

Criminal Trials.		
Preferred,		89
Confirmed,	49	
Reversed,	27	
Pending,	13	
		89
Miscellaneous Cases.		
Preferred,		27
Confirmed,	16	
Reversed,	5	
Transferred to the Session Judge,	6	
		27

216. The criminal business actually pending in this Joint Magistracy on the 31st December last, is noted in the margin.* The large number of petty offences requiring investigation, was noticed in the resolutions for the year 1836. The explanation furnished by Mr. Garrett has already been adverted to, and the Court's opinion of it expressed. The Court trust that the practice in question will be reformed altogether, and that no cases will be kept on the file unless there is a probability of a successful result within a moderate period: a case should be considered as disposed of when sentence has been passed upon the prisoners in attendance, as it can always be revised on the appearance of other prisoners apprehended on the same charge at a subsequent period.

* Heinous crimes, ...	1
Petty offences, ...	450
Appeals, ...	8
Proceedings from other Districts, ...	14
Miscellaneous cases, ...	39
	512

Sessions Court.

217. Mr. J. F. G. Cooke was Officiating Session Judge of the district, throughout the year, with the exception of the period between the 27th February and the 25th March. Mr. Cracroft was Session Judge from the former date to the 13th March, 94 days were devoted by the two Officers to the disposal of criminal business.

218. At the close of the year 1836 there were 34 persons under trial at Dacca, 72 persons were committed during the year, and the cases of 35 persons were sent back to the Sessions Court after reference to the Nizamut Adawlut, making a total of 141 persons under trial. These persons were disposed of in the manner indicated in the margin.* Mr. Cooke observes regarding the acquittals: "The number acquitted by the Sessions Court is very large, but is principally made up by 23 acquittals in one case of affray. Many persons were accused and named by some of the witnesses, but to prevent persons being convicted who were only lookers on, or passers by, (the affray having occurred in the city,) it was necessary to acquit all but such as were clearly proved by more than one or two witnesses to have aided in the affray. The Magistrate was not sufficiently particular in this respect." With the exception noticed, the Court consider the results of commitments satisfactory.

* Acquitted,	37
Convicted,	49
Referred (including six persons charged with thuggee,) ...	55
Commitment annulled,	3
Under trial,	3
	147

219. The Joint Magistrate of Furreedpore committed 66 persons to the Sessions Court, and their cases were disposed of as shown in the margin.* The result of these commitments is considered satisfactory.

* Acquitted,	12
Convicted,	34
Referred,	10
Under trial,	10
	66

220. There were 6 appeals from the orders of the Session Judge during the year including the cases called for at the English sittings; the orders were reversed in 2, and confirmed in 3 instances, and 1 case is still pending.

NIZAMUT ADAWLUT.

* Acquitted,	14
Convicted,	46
Under trial,	8
	68

221. Three prisoners were under reference to the Nizamut Adawlut at the close of 1836, and 65 prisoners were referred during 1837, whose cases were disposed of in the manner shown in the margin.*

222. The following is an abstract of the sentences passed on the prisoners, convicted in Zillah Dacca, and the Joint Magistracy of Furreedpore, in the year 1837:

By the Nizamut Adawlut.

Death,	1
Imprisonment for life,	2
For 14 years,	2
For 10 years,	1
For 7 years,	5
Fined,	35
	46

By the Session Judge.

Imprisonment above 7 and not exceeding 14 years,	36
Above 3 and not exceeding 7 years,	32
Less than 1 year and not exceeding 3 years,	15
	83

By the Magistrate of Dacca and his Assistants.

Imprisonment for more than 6 months and not exceeding 3 years,	115
For less than 6 months,	346
Fined,	448
Security required,	25
	934

By the Joint Magistrate of Furreedpore and his Assistants.

Imprisonment for more than 6 months and not exceeding 3 years,	202
For less than 6 months,	301
Fined,	386
Security required,	40
Suspended from office,	8
	937

GENERAL REMARKS.

223. The Court cannot consider the state of the Districts of Dacca and Furreedpore to be on the whole unsatisfactory; they observe however that the statements for the former exhibit a considerable increase of crime during the past as compared with the preceding year. There has been an increase of 28 heinous crimes and 721 petty offences; but at the same time there has been an increase of 447 persons apprehended during the same period. Whether the difference is attributable to a positive increase of crime or to the improved efficiency of the Police does not appear, and on this point the Session Judge will be requested to communicate with the Magistrate of Dacca, and report the result of his enquiries together with his own sentiments for the information and further consideration of the Court.

224. The Court observe with regret the great delay that occurred in the Court of the Magistrate of Dacca in completing the investigation of some cases noticed by Mr. Cooke in the correspondence submitted with the annual statements. They trust that they may not have occasion to notice a recurrence of similar delay. With regard to his letters Nos. 69 and 70 to the address of the Magistrate of Dacca, and the Magistrate's replies, the Court request that Mr. Cooke will issue such orders as he may consider proper to that Officer : and in the event of his declining compliance that he will submit the case for the orders of the Court.

225. The Court observe that the Magistrate should have entered all corrections of the statements submitted by him in the statements themselves : and not have made them the subject of a separate letter. As the discrepancies between the monthly and annual statements have been explained the Court do not consider that any further orders are necessary on this subject.

226. The Court observe with satisfaction the assistance the Magistrate has derived during the past year from the Native Judges. Of the Sudder Ameen he observes—" Munneeroodeen Mahomed the Sudder Ameen in particular deserves great credit, his cases are evidently got up with care, and his decisions evince judgment and knowledge of the character of the people he has to deal with."

227. The Court had occasion to notice in their report for 1836 the negligent and confused manner in which the Session statements and letters of reference, submitting the trials, were drawn up by the Session Judge Mr. Cooke; the Court have observed a greater attention during the past year on Mr. Cooke's part to these important particulars, though they are compelled to remark that there is still room for improvement.

ZILLAH MYMENSINGH.

228. Mr. D. Pringle was Magistrate of Mymensingh from 1st January to 10th March. He was then relieved by Mr. E. V. Irwin who continued in charge of the District to the close of the year.

229. At the close of the year 1836 there were 71 persons under trial, viz. 31 in jail and 40 on bail or personal recognizance: 1051 persons were apprehended or summoned, during the year 1837, making a total of 1122. These persons were disposed of in the manner noted in the margin.* The number of persons who escaped is very large. The Court observe that the Sessions Judge in his letter submitting the statements mentions that 170 persons were committed for trial, and not 172 as stated by the Magistrate. The discrepancy, which should have been noticed by the Sessions Judge, is attributable to the circumstance of 2 prisoners having been committed in 2 cases. The Sessions Judge, has entered the number of individuals committed: the Magistrate the number of commitments.

* Acquitted,		304
Convicted		522
Committed,		172
Died,		2
Escaped,		37
Remaining under trial—		
In Jail,	41	85
On Bail,	44	
		1122

230. The statements noted in the margin,* exhibit the number of persons that have been apprehended, acquitted, and convicted, by the Magistrate and his assistants in "heinous" as well as in "petty offences." The Court observe that of the number committed for trial 150 were for "heinous crimes," which together with the number convicted by the Magistrate gives a very satisfactory result in respect to cases coming under that general description. The statement of petty offences in the detail of which only 26 convictions appear for neglect of duty, is also satisfactory. There were 35 persons discharged in consequence of Razeenamehs being filed, and 15 in consequence of the non-attendance of prosecutors.

* Heinous crimes,		233
Apprehended,	397	
Convicted,	116	
Acquitted,	81	
Petty offences,		1905
Apprehended,	725	
Convicted,	406	
Acquitted,	223	

231. The number of persons in jail or on bail on the 31st December last is noted in the margin.* The Court consider the number to be large.

* In Jail,	41
On Bail,	44

232. Nine cases were pending in this District under Regulation XV. of 1824 on the 31st December last.

233. One person was in confinement in default of security for good conduct on the same date.

234. The number of appeals preferred from the decisions of the several officers, who have exercised criminal jurisdiction in the District of Mymensingh during the past year, together with the results, is noted in the margin.* The number of decisions of Mr. Pringle which have been reversed is considered large, the statement with respect to Mr. Irwin is satisfactory.

Names.	Pending in 1836.	Referred in 1837.	Total.	Confirmed.	Modified or reversed.	Pending.
Mr. Pringle,	8	93	101	47	54	0
Mr. Irwin,	0	255	255	173	66	16
Mr. Wheler,	0	1	1	0	1	0

* Miscellaneous Cases.

Appeals,		13
Confirmed,	7	
Modified or reversed,	3	
Pending,	3	
		13

235. The criminal business actually pending in this District on the 31st December last is noted in the margin.* The Court had occasion to notice the large arrear in this District in the preceding year, and they regret that their observations have not been more attended to, as the quantity of business pending at the close of the year 1837 was even greater than in 1836. The Session Judge will be requested to call for and submit, with his own observations a full explanation of the causes of this unsatisfactory state of things.

* Heinous crimes, ...	136
Petty offences, ...	209
Appeals, ...	10
Proceedings from other Districts, ...	1
Miscellaneous cases of every other discription, ...	30

236. Mr. Cheap held the office of Session Judge during the past year, and sat in the Sessions Court 85 days, engaged in trying commitments and hearing appeals.

Session Judge.

237. At the close of the year 1836 there were 6 persons under trial—170 were committed during the year 1837, making an aggregate of 176—these persons were disposed of in the manner noted in the margin.* Mr. Cheap remarks—"The proportion of acquittals to convictions is large, but I must mention that 7 prisoners, in one case, were convicted by the assessors, who sat at the trial, but were acquitted by me. Some of the recent commitments, in my humble opinion, were injudicious and should not have been made."

* Acquitted, ...	36
Convicted, ...	67
Referred to Nizamut Adawlut, ...	10
Under trial, ...	62

238. No trial was called for at the English sittings.

239. No appeal was preferred to this Court from the decision of the Session Judge during the past year.

240. The Court have had occasion to remark in the course of the year, the great delay which has frequently occurred in bringing prisoners to trial. On this subject Mr. Cheap observes—"There has been very great delay in bringing prisoners to trial before the Sessions Court, not only from the date of the perpetration of the crime, or offence, but also from the date of commitment to the Sessions, to the date of the receipt of the calendars, &c. in the Sessions Court and which has repeatedly been noticed by the Superior Court. As a separate Magistrate has now been appointed it is to be hoped there will be less delay in the disposal of criminal cases." The Court trust that Mr. Cheap's anticipations will be realized, as the delay which has hitherto taken place on many occasions is very discreditable to the Magistracy of the District.

241. Six prisoners were under reference to the Nizamut Adawlut at the close of 1836, 16 were referred in 1837. The whole sixteen were disposed of as noted in the margin.*

NIZAMUT ADAWLUT.	
* Acquitted, ...	6
Ditto insane, ...	1
Convicted, ...	7
Sent back, ...	2
	16

242. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1837:

By the Nizamut Adawlut.

Imprisonment for life, ...	2
Imprisonment 7 years, ...	1
Imprisonment 5 ditto, ...	1
1 year and under, ...	3
Total,...	7

By the Session Judge.

7 years and not exceeding 14 ditto,	10
3 years and not exceeding 7 ditto,	51
1 year and not exceeding 3 ditto,	5
Less than 1 year,	1
Total,	67

By the Magistrate and his Assistants.

Imprisonment from 6 months to 3 years,	114
Less than 6 months,	254
Fined,	150
Required to furnish security,	1
Dismissal from office,	3
Total,	522

GENERAL REMARKS.

243. The Court have expressed their satisfaction in respect to the proportion of convictions and acquittals; but in other respects they consider that there is much room for improvement in the manner of conducting the magisterial duties of this District. The vast arrear of business in the Magistrate's office, renders it impracticable that justice should be promptly administered or the Police of the District efficiently controlled. The delay moreover which has been already noticed in bringing before the Sessions Court cases committed for trial evinces a laxity in the discharge of the common routine of the Magistrate's office which is far from creditable. The Court however observe that the Magistracy has been separated from the Collectorship, and they trust to see ere long a complete correction of the abuses which now appear to exist.

244. The heavy duties of the Sessions Court were on the whole efficiently discharged by Mr. Cheap.

ZILLAH TIPPERAH.

245. Mr. W. J. H. Money officiated as Magistrate of this District throughout the year 1837.

Magistrate's Court.

246. At the close of the year 1836 there were 98 persons under trial, viz. 24 in jail and 74 on bail or personal recognizance; 1617 persons were apprehended or summoned during the year 1837, making a grand total of 1715, who were disposed of in the manner noted in the margin.*

* Acquitted,.....		383
Convicted,.....		1216
Committed, ...		96
Died in Jail,.....		2
Transferred to other Jurisdictions,.....		3
Under trial—		
In Jail,.....	2	15
On Bail, ...	13	
		1715

247. The statements noted in the margin* exhibit the number of persons that have been apprehended, acquitted, and convicted by the Magistrate and his Assistants in "heinous" and "petty offences." The results are extremely creditable to Mr. Money, and the Court have perused with great satisfaction the following observations of the Session Judge in connection with this subject, and the general administration of the Magistracy by Mr. Money. "The proportion of convictions in comparison with acquittals is most favorable; equally so the number of apprehensions of persons supposed to have been concerned, in the total of crimes ascertained to have been committed during the year, reflects much credit on the assiduity, zeal and attention paid by Mr. Money to the management and superintendance of the Police and criminal department. The statements now forwarded bear a very different feature to what was exhibited in those for the year 1836. The cause of so great a difference may be very naturally questioned by the Superior Court, but the simple fact is this, that Mr. Money has by the system and measures adopted by him from the commencement of taking charge, established a *name* in the Mofussil, which the Court is well aware I have no doubt, is the grand and sole secret in keeping a District in order, and without which little good or satisfactory results can be expected; let the functionary be what he may and possessed of the first rate abilities and acquirements, still if he has not *Rāb* it will be of little avail in keeping the turbulent and evil-minded in proper subjection, and in ensuring peace and quiet to the sober and well disposed portion of the inhabitants. To establish what is denominated *Rāb* or in other terms an *awe-instilling name*, the Magistrate must have at heart the peace and welfare of those committed to his care, and it is not acquired without much anxiety of mind and great attention and care in observing strictly that the orders issued by him are duly and properly executed and carried into effect, following up with severe and inflicting measures any wilful digression from, or want of due respect to, such orders, at the same time being conciliating and kind to those who obey and who show proper observance to the mandates issued. From pursuing this system Mr. Money has succeeded effectually in apprehending and bringing to trial many old offenders, who had eluded the vigilance and exertions of the Police, which will in a great measure account for the access of convictions in comparison with acquittals and also in allaying that "lawless spirit" and tendency to rebellious commotion which was more or less prevalent during the two previous years. A common saying among the natives in this District is (in mentioning this however I hope

* Heinous offences,...			131
Apprehended, ...	261		
Acquitted,...	91		
Convicted,...	105		
Petty offences, ...			1096
Apprehended,...	1356		
Acquitted,	297		
Convicted,	1109		
Total Apprehended, ...		1617	
Offences, ...			1227

to be exonerated from meaning to convey any ill-natured reflection upon former Magistrates) that there has not been such a Magistrate in it since Mr. G. P. Thompson's administration. It may be justly set forth however that the frequent changes which have occurred in the Magistracy since Mr. Thompson's time, have not admitted of a proper or a regular system being pursued by former functionaries in the management of the District, and no doubt exists that these frequent changes are any thing but conducive to the suitable control of a Police; nor do I mean to insinuate that these officers were wanting in zeal or diligence; still during the period of my residence at this station (upwards of 4 years) I have not observed the measures adopted by any of the Magistrates (and there have been several) attended with such effectual and favorable results, as those of the present officer. It is too frequently the case now-a-days I fear, where the fiscal and criminal duties are combined, under the control of one individual, that nearly all the attention and time is devoted to the performance of the former, and the latter is allowed to go on as it best may, but why such distinction should be made is best known to those who exercise it, and certainly ought not to exist, for the latter appears to me to be deserving of as equal, if not more, diligence and attention than the former: especially when it is borne in mind, how much the peace and welfare of thousands are depending thereon. In this District however, I am happy to add that due and equal consideration is given to both departments by Mr. Money."

"These observations may appear to relate as much to the subject of Police as to the administration of criminal justice, but in endeavoring to explain the cause of the great proportion of convictions to acquittals, it could not in my opinion be avoided. It cannot be supposed nor expected that I can give so positive an opinion upon the decisions passed by Mr. Money in criminal business, as I otherwise could have done, had I been throughout the year, or a greater portion of it at the station; but from those which have come under my own review, both in Sessions duty, and in appeal, and also from what I have learnt, that the orders passed on the proceedings and on the reports of the Police by that officer are generally speaking proper, and to the point, and that his decisions give general satisfaction (this will be supported by the result shewn of the criminal appeals and commitments in the Sessions Court in their proper places in this report.")

248. Nine persons were discharged in consequence of Razeenamehs having been filed, and four from the non-attendance of prosecutors.

* In Jail,	2
On Bail,	13
	15

249. The number of persons in jail or on bail on the 31st December last, is noted in the margin.* The very small number of persons under examination evinces a promptness in the dispatch of criminal business, and is very creditable to the Officiating Magistrate.

250. No cases were pending in this District on the 1st January 1838, under the provisions of Regulation XV. 1824.

251. Three persons were confined in this District in default of security for good conduct at the close of the year.

252. The number of appeals preferred from the decisions of the Magistrate in criminals trials and miscellaneous cases is noted in the margin.* No cases were called for by the Session Judge on revision of the monthly statements.

* APPEALS IN CRIMINAL TRIALS.

Pending in 1836, ...		9
Preferred in 1837,.....		126
Total,...		135
Confirmed, ...	70	
Reversed, or modified, ...	47	
Pending, ...	18	
		135
Miscellaneous Cases.		
Pending in 1836, ...		9
Admitted in 1837, ...		23
		32
Decided in what manner not stated,		23
Pending, ...		9

253. The criminal business actually pending in this district on the 31st December last, is noted in the margin.* The file at the close of 1836 was 710 cases of every description: the reduction is in the opinion of the Court, very satisfactory. On this subject the Session Judge Mr. Shaw remarks as follows—"It is proper to observe however that out of the total pending as noted in the margin, 59 cases were instituted in the month of December last. The result as shown above as regards the quantity of business disposed of, and also that actually pending, support and corroborates what I have already stated as to the degree of attention and zeal displayed by the Magistrate, and his subordinates in the performance of the duties attached to the Criminal Department."

* Heinous offences,...	1
Petty offences, ...	224
Appeals,.....	4
Proceedings from other Districts,...	0
Miscellaneous cases,...	11
	240

254. The duties of this Joint Magistracy were performed by Messrs. T. Bruce and C. T. Davidson throughout the year under review, the former from the 1st January to 13th May, and the latter from that date to the end of December. The quantity of work disposed of by each is given in the margin.*

Joint Magistracy of Noacolly.

* Mr. T. Bruce.

Cases.	Prisoners.
52	157

Mr. Davidson.

Cases.	Prisoners.
78	112

255. There were 55 persons under trial at the end of 1836, viz. 8 in Jail and 47 on bail or personal recognizance, 748 persons were apprehended and summoned making a total of 803. They were disposed of as noted in the margin.* "The proportion of convictions to acquittals," observes Mr. Shaw "is decidedly satisfactory, and shews a great improvement to the result of the former year, thereby evidently proving that greater attention must have been given to the Police, and general management of the criminal department, by the officers above named, and consequently a greater display of zeal and assiduity, which is creditable to both Messrs. Bruce and Davidson." In these remarks the Court entirely concur.

* Acquitted,.....		268
Convicted,.....		468
Committed, ...		35
Died, ...		1
Escaped, ...		2
Under trial—		
In Jail, ...	10	
On Bail,.....	19	29
		803
Heinous offences, ...		67
Apprehended, ...	201	
Acquitted, ...	76	
Convicted, ...	84	
Petty offences, ...		583
Apprehended,.....	602	
Acquitted, ...	192	
Convicted, ...	381	

256. Fifty-two persons were discharged in consequence of Razeenamehs having been filed, and five in consequence of non-attendance of prosecutors.

257. The number of persons in jail or on bail on the 31st December last, is noted in the margin.* The number is small and requires no particular remark.

* In Jail,.....	10
On Bail, ...	19
	29

258. No cases were pending in this District at the close of 1837, under the provisions of Regulation XV. 1824.

259. Five persons were in confinement in this Joint Magistracy in default of security for good conduct at the close of the year.

* Regular Trials.	
Pending in 1836.....	0
Admitted in 1837, ...	4
	4
Confirmed, ...	3
Reversed, ...	1
	4
Miscellaneous Cases.	
Pending in 1836, ...	9
Admitted in 1837, ...	31
	40
Disposed of in what manner not stated,	27
Pending, ...	13
	40

260. The number of appeals preferred from the decisions of the Joint Magistrates in criminal trials and miscellaneous cases is noted in the margin.* No cases were called for by the Session Judge on revision of the monthly statements.

* Heinous offences, ...	10
Petty offences,.....	92
Proceedings from other Districts, ...	7
Miscellaneous cases, ...	35
	144

261. The criminal business actually pending in this District on the 31st December last, is noted in the margin.* "The result" as observed by Mr. Shaw "speaks well for the attention paid by the local Officers to their duties in the criminal department, and is upon the whole satisfactory." The total pending is 56 less than what was shewn at the end of 1836.

Sessions Court.

262. Owing to severe indisposition Mr. Shaw was obliged to proceed to sea for the benefit of his health and was absent on that account from the District from the 21st February to the 11th December 1837, on which latter date he resumed charge of his office. During his absence the current duties of the office were carried on by Mr. Thomas Young, Assistant to the Magistrate, from the 21st February to the 21st March, on which date Mr. David Pringle assumed charge and officiated as Sessions Judge to the 27th November, when he proceeded to the Presidency. From the 28th November to the 11th December no one was in charge of the office. Mr. Pringle having left the station before the arrival of his successor.

263. During the past year, sittings were held in the Sessions Court 63 days, for the disposal of cases committed for trial by the Magistrate of Tipperah and Joint Magistrate of Noacolly, out of which Mr. Shaw was employed 12 days and Mr. Pringle 51. No commitments were tried throughout the year by the Commissioner.

* Acquitted, ...	24
Convicted, ...	48
Referred to the Nizamut Adawlut, ...	20
Died in jail, ...	1
Pending, ...	1
	94

264. At the close of the year 1836 there were no persons under trial in the Sessions Court on the commitment of the Magistrate of Tipperah—94 persons were committed during the year 1837. They were disposed of in the mode noted in the margin.* The number of acquittals appears large: but on this subject the Session Judge Mr. Shaw remarks as follows: "It is proper to observe that out of the number of 24 acquitted by the Officiating Session Judge of those committed for trial by the Magistrate of Tipperah, 16 prisoners were in one case charged with

affray attended with violent assault in which the leg of the prosecutor was broken: the remarks of the superior Court on the case are as follows—"The Court do not "consider that the assault was warranted or that there should have been an acquit-"tal on the plea of justification set forth, but as the prisoners have been acquitted "and released they do not deem any interference necessary,"—and in another case in which there was 1 prisoner, charged with "delivering in at the office of the "Deputy Collector of Tipperah false accounts drawn out with intent to defraud the "Government of their Revenue"—owing to the instructions contained in the circular order of the 23d February 1833, having been overlooked by the Officiating Session Judge, in not having the defective charge upon which the prisoner was committed duly rectified, previous to entering upon the trial the prisoner was acquitted which might not have happened had due notice been taken as above stated. These explanations will, it is hoped prove satisfactory in showing that although so many acquittals took place, there was no want of sound discretion and judgment displayed by Mr. Money in making the commitment. Of the cases tried by me made over by the Magistrate, none of the prisoners were acquitted. The proportion of convictions in comparison with acquittals, supports the opinion I have above stated as to the judgment of this officer. The foregoing explanation is considered quite satisfactory and entirely exonerates Mr. Money from any imputation of want of judgment in making the commitments.

265. There were no persons under trial at the close of 1836 on commitment by the Joint Magistrate of Noacolly: 35 were committed in 1837—they were disposed of in the manner noted in the margin.* The Court consider the proportion of acquittals to be large.

* Acquitted, ...	8
Convicted, ...	23
Referred to the Nizamut Adawlut, ...	4
	35

266. Five trials were called for at the English sitting and by precept on appeal. Two were decided in the course of the year without any interference with the sentence of the Session Judge.

267. One prisoner was under reference from the District of Tipperah at the close of the year 1836, the number referred in 1837 was 24, making a total of 25. They were disposed of in the manner noted in the margin.*

* Acquitted, ...	3
Convicted, ...	8
Pending, ...	14

268. The following is an abstract of the sentences passed on the prisoners convicted in the District of Tipperah and Noacolly during the year 1837:

By the Nizamut Adawlut.

Death, ...	1
Imprisonment for life, ...	1
Above 7 and not exceeding 14 years, ...	4
7 years' imprisonment, ...	2
Total, ...	8

By the Session Judge.

14 years and upwards,	2
Above 7 and not exceeding 14 years,	23
Above 3 and not exceeding 7 years,	25
Above 1 and not exceeding 3 years,	19
Less than 1 year,	2
Total,...	71

By the Magistrate of Tipperah and his Assistants.

Six months and not exceeding 3 years,	140
Less than 6 months,	432
Fined,	641
Required to give security,	3
Total,...	1216

By the Joint Magistrate of Noacolly and his Assistants.

To 6 months and not exceeding 3 years,	84
Less than 6 months,	143
Fined,	218
Required to give security,	23
Total,...	468

GENERAL REMARKS.

269. The Court observe with pleasure a general improvement in the state of the District of Tipperah, which in 1836 was reported to be far from satisfactory. This is mainly attributable to the exertions of the Officiating Magistrate, Mr. Money who has conducted the duties of his office with a zeal and efficiency highly to his credit. The number of heinous offences is not large, and the perpetrators in most of them were apprehended and committed for trial. The results exhibited by the statements shew also a decided improvement in the Joint Magistracy of Noacolly.

270. With the exception of the instances before noticed the business of the Sessions Court was efficiently conducted by Mr. D. Pringle.

271. From a statement submitted with the report of the Sessions Judge, it appears that the average number of days, during which a common trial was pending before the Magistrate of Tipperah was 33, and that from the date of commitment to the final disposal of the case before the Session Judge was 20. The Court consider

the time occupied in the preliminary investigation to be large, but they observe that the average has been greatly increased by two cases, one of which was pending in the Magistrate's Court for 151, and the other for 117 days.

272. From a similar statement for the Joint Magistracy of Noacolly it appears that the average period during which a case was pending in the Court of the Joint Magistrate is 30 days: and the like period elapsed before the case was finally disposed of by the Session Judge. This is attributable to the increased distance from the Sudder station as compared with Tipperah, which does not admit of the Session Judge so immediately taking up the trial as when referred from that District.

273. The Court consider that the following observations of the Session Judge on the subject of the transportation of convicts to the Island of Mauritius should be submitted for the consideration of Government. "In noticing the forms of convicts sentenced to imprisonment for life in transportation beyond sea being blank, it may not be uninteresting, or deemed irrelevant to the particular subject under discussion to state that on my late visit to the Island of Mauritius, I had an opportunity occasionally of seeing the manner in which the Indian convicts were worked and treated there; and on several occasions entered into conversation with them. The greater number of those I witnessed were from the Bombay and Madras side of India, but I also saw several natives of Bengal and Western India, who had been there for 20 years and upwards, and who had been banished for having been concerned in the mutiny which took place many years ago among our troops at Java. They appear to have been the first natives of India who had been sent to the Island as convicts, having been nearly all *Sepoys*, and it is a curious fact, that to this day all convicts are there denominated "Sepoys," and among the residents and inhabitants of the Island they are known and called by no other name which appeared to me not only strange, but to my ideas most degrading to the name, character, and reputation of our brave and high-minded Up-country Soldiers. The convicts are all placed under the orders and superintendance of Captain Lloyd, the Chief Civil Engineer Officer, who distributes working parties of them under the control of inferior Officers of Government, European and French, to different parts of the Island, who are principally employed in breaking up stones and rocks and making and repairing roads, which have been wonderfully improved of late years, throughout the Island. I beg to relate another curious circumstance, and it is, that several of the convicts with whom I entered into conversation, and originally from this quarter of India had almost forgotten how to speak their mother tongue, and answered my questions in (to me) an unintelligible and unknown language, viz. Creole, but which is peculiar to that Island. For those persons sentenced to banishment beyond sea from this side of India, I should say that there is no place or Island better calculated or adapted in every point of view, both on account of total separation from friends and relations (unless by the way they find them among the numberless coolies imported now-a-days) but also on account of security and safety than the aforesaid Island, and from the great traffic now carried on between Bengal and the Isle of France, in the supply of rice and other grains, the produce of this country, and the consequent frequent intercourse kept up, I may almost say daily, by the sailing of ships to that Island, every possible opportunity and facility is offered to the early and regular transmission of convicts so sentenced. From the great care

also taken by the Police and Government there, of searching ships previous to departure, and the necessity imposed upon every one, whether European or native, proceeding by any ship as passengers from the Island, to be provided with a passport from the Chief Commissary of Police, and also to find security, sufficiently precludes in my humble opinion the possibility of escape of any such convicts; some years ago I was told, that a few of the convicts had attempted to get away in small boats, but were either lost or obliged to return to the Island, their endeavours proving fruitless or otherwise unavailing, for, when once fairly launched upon the broad and wide ocean, and exposed to the influence of the south-east trade-wind which is constantly blowing, and for the most part fresh, the sea is usually boisterous, and the result too great to admit of any small boat living long in it, therefore the attempt to escape is now never made. The rations allowed by the English Government to each convict has escaped my recollection, I am therefore unable to furnish any information on this point. My humble opinion is, that the said Island is in every respect better fitted for the reception and safe custody of prisoners sentenced to banishment beyond sea, than either Penang or the Martaban or Tenasserim coast. None of the convicts are employed, I am pretty sure, at the Mauritius otherwise than on works of a public nature, it not being customary there to make use of them as menials, in which capacity I believe they are frequently employed at other places of banishment beyond seas; of this however I do not pretend to speak positively as my information rests upon mere hearsay. I mentioned the subject on my return and whilst I was in Calcutta, to Mr. D. C. Smyth, who deemed it of sufficient importance, to beg me to draw out a report and submit it to Government, however I prefer this mode of bringing it into notice, and should the Superior Court deem the subject of sufficient consequence and interest, it can, in the way and manner it thinks best, bring the same to the notice of the Supreme Government. At the same time I beg leave to apologize for the apparent length of this paragraph."

274. With regard to the increase of establishment stated by Mr. Shaw in his 30th paragraph to be necessary to the prompt dispatch of the business of the Sessions Court, the Court observe that he should address Government on the subject.

ZILLAH CHITTAGONG.

Magistrate's Court.

275. Mr. Harvey was in charge of the magistracy of this District from 1st January to 5th September when he was relieved by Mr. A. S. Annand who discharged the duties of the office to the close of the year.

276. At the close of the year 1836, 48 persons were under examination, viz. 9 in jail, and 39 on bail—2078 were apprehended or brought to trial during the year 1837, making altogether 2126 who were disposed of in the manner detailed in the margin.*

* Acquitted,		913
Convicted,		1049
Committed,		124
Died and escaped,		2
Under Trial.		
Jail,	5	38
Bail,	33	
		2126

277. The marginal statement* shews the number of persons brought to trial, acquitted and convicted by the Magistrate and his Assistants in "heinous" as also in "petty offences." The results exhibited call for no particular remark.

* Heinous offences,	122
Apprehended,	579
Acquitted,	246
Convicted,	232
Petty offences,	731
Apprehended,	1547
Convicted,	667
Acquitted,	817

278. The Session Judge remarks—"In the whole year 2078 were apprehended, and adding the balance of the former year 2126 forms the number tried, of whom 913 were acquitted, 1049 were punished, of these again under the head of assault come

350 acquitted, } petty assault—but of the 350 acquitted; 198 were men tried
469 punished, }

before the Assistants and who for the most part were not released unconditionally; the result therefore is that in petty crimes men have not been harassed by unjust apprehensions. In the higher crimes, there is also a preponderance in the number punished; as will be seen by subtracting the number punished and acquitted in the charge of petty assault, from the aggregate number punished and acquitted; on the whole the relative proportion of punishments and acquittals may be said to be nearly balanced."

279. The Court observe, that during the year 207 persons were apprehended or summoned on charges of trespass. The Court request that the Session Judge will ascertain from the Magistrate, and report for their information the nature of these offences.

280. Thirty-eight persons were in jail or on bail on the 31st December last, as noted in the margin.*

* Jail,	5
Bail,	33
	38

281. No cases were pending on the above date under Regulation XV. of 1824.

282. At the close of the year, ten persons were confined in this District on requisition of security for good conduct.

283. The marginal note* shews the number of appeals preferred from the orders passed by the Magistrate and Joint Magistrate in Criminal Trials, and the result thereof. Of the 60 appeals which remained undisposed of at the close of December 1837, 23 were pending beyond three months. This Statement is considered unsatisfactory. The Session Judge observes: "the total number of

* Appeals in Criminal Trials.		
Preferred,		179
Confirmed,	73	
Modified or reversed,	46	
Pending,	60	
		179

appeals preferred is 179—of appeals that have been decided on trial, 73 have been confirmed, 46 reversed or modified; the appeals from the orders of the Magistrate must be distinguished from those of the Joint Magistrate in the former instance, there are 44 appeals confirmed to 26 reversed or modified; in the latter instance; 29 to 20, nearly approaching to half."

"I regret that so many appeals remain undecided; the longest institution dates from September last, no case of any individual in jail lays over."

284. Mr. Moore proceeds to remark, "In some one or two of these appealed cases, and in other cases that have come before me at Sessions, I have had occasion to call the Magistrate and Joint Magistrate's attention to the delay, in taking the depositions of the attending witnesses; and even to the delay of taking answers from the accused, after their commitment to jail; one or two instances occurred in which I thought the trial had been unnecessarily lying over. There were other trials, in which the delay arose purely from the want of provision in our laws to meet the case; I advert to the contumacious absence of witnesses; it is the practice in the Fouzdary Court of this Zillah in trials of minor offences to serve subpœnas, and in case of non-attendance to issue a proclamation;" of the origin of this "I am ignorant, its utility is however questionable; for if the witness has wilfully put himself out of the way, he is not the more likely to attend by the issue of a 15 days proclamation; and the case in the meantime lies over; it would be far better to order the subpœna to be reissued, because this would at least afford some opportunity of serving the process; a vigilant prosecutor might serve it on the recusant witness, whereas this proclamation goes through the mere formality of being affixed by the peon to the witness's dwelling. I certainly think some more efficacious order might be issued than the rule to proceed by proclamation; even in my own Court in miscellaneous cases, I always enquire on the return of the Nazir, whether the person is in attendance who accompanied the peon, in order to satisfy myself whether the blame lies in witnesses or the party who named him; if a witness is really from home, the simple order of reissue, in 7 or 10 days as the case may require, effects the party's object; if the witness conceals himself, an attachment of the house and residence is not forbidden by the law and often meets the exigence." With respect to the attachment of the witnesses' house and residence alluded to, Mr. Moore will be informed that the adoption of such a measure is not authorized by law.

* Heinous offences, ...	11
Petty offences, ...	564
Appeals, ...	23
Proceedings from other Districts, ...	9
Miscellaneous cases,...	146

285. The actual business pending in the Magistrate's office at the close of the year, is exhibited in the margin.* The number of petty and miscellaneous cases pending is considered large.

Session Court.

286. Mr. H. Moore was the Session Judge of this District throughout the year.

* 13 were erroneously entered in the resolutions of the preceding year.

† Acquitted, ...	73
Convicted, ...	57
Preferred, ...	13
Pending, ...	6
	149

287. There were 12* prisoners under trial in the Session Court on the 31st December 1836, and 24 were committed during 1837, and the cases of 13 prisoners were sent back by the Nizamut Adawlut making a total of 149. These were disposed of in the mode indicated in the margin.†

288. With regard to the duties connected with the Sessions, Mr. Moore observes: "From July to December inclusive, 13 trials have ensued terminating in the punishment of 25 persons; and acquittal of 20, this is a far better proportion than that attained in the earlier part of the year; there were several of these cases in my opinion needlessly made over in which much of my time might have been saved."

"In August 3 men were acquitted whom I do not think improperly committed; in the month of September 8 persons were acquitted, amongst whom were Rampursaud and other 4 prisoners in a case of murder; I came to a conclusion that to a moral certainty, amongst the prisoners tried in this case, the murderer or murderers existed; the evidence failed to fix the crime on the identical man: under such circumstances although the Magistrate might have seen the same, yet new light might have been struck out by a trial at Sessions."

"The other case, in which 3 men were tried, was not sifted in the Court below and their acquittal necessarily followed."

"In November 9 persons were acquitted in two cases; as affected 6 there were no grounds of commitment, and in regard to the other 3 the Officiating Magistrate did not go deep into the evidence, which a little cross questioning, would have shown malicious. On the whole I might have been saved the trial of 3 cases in which 12 persons were comprised." The Court are of opinion that the proportion of acquittals to convictions in the Session Court, from July to December last, is not altogether so favorable as Mr. Moore appears to consider. They observe on reference to the monthly Session statements that the commitments on insufficient grounds particularly alluded to by Mr. Moore were made by the Joint Magistrate Mr. Annand whose attention was called to the subject by the orders passed on the receipt of the statements.

289. Nine cases were called for at the English sittings on revision of the monthly statements, or by precept on appeal. In four instances, including 4 prisoners the sentence of the Lower Court was confirmed, and in two cases the sentence was reversed. In one case a sentence of 3 years' imprisonment on one, and 2 years' imprisonment on 4 prisoners was enhanced to 7, 5 and 3 years' imprisonment. Two cases remained undisposed of at the close of the year under review.

290. At the close of 1836 there were no prisoners under reference to this Court. During the year 1837 the cases of 14 prisoners were referred as per margin;* the above number however, does not agree with the Session Judge's statement No. 12 which shews 13 prisoners. The Session Judge will be requested to explain the discrepancy which exists. The 14 persons were disposed of as noted in the margin.†

* Ramkeenoo Chowdree, and others, ...	8
Ramkishore, ...	1
Rampershaud & others,	5
† Acquitted, ...	1
Sent back,.....	13
	14

291. The abstract of sentences passed on the prisoners convicted in Zillah Chittagong during the year under review, is as follows:

By the Nizamut Adawlut.

None.

By the Session Judge.

Imprisonment for 14 years and upwards,	3
Ditto 7 years and upwards,	4
Ditto 3 ditto ditto,	33
Ditto 1 year and ditto,	10
Ditto less than 1 year,	7
Total,	57

By the Magistrate and his Assistants.

Imprisonment for 2 years and upwards,	36
Ditto 1 year and ditto,	46
Ditto 6 months and ditto,	149
Ditto less than 6 months,	271
Fined and discharged,	521
Security required,	26
Total,	1,049

General Remarks

292. From the statements before them, crime does not appear to have been very prevalent in the District of Chittagong during the past year; and from the results exhibited by the statements, the Court gather that greater caution than in the preceding year has been exercised in sending for persons charged with criminal offences.

293. On the subject of punishment by fine, Mr. Moore remarks, "In going over the reports my notice has been attracted to the very small amount of fine imposed or measure of imprisonment in lieu thereof allotted by the Officiating Joint Magistrate, and by the Assistants; the effect of which I am not aware of, though its consequences may be premised; a fine of 8 annas, and of 1, 2, 3, 4, 5 rupees, or in default of payment imprisonment for a day or 2, 3, 4, 7 days, can hardly be said to deter from crime, I am far from being an advocate for heavy punishment, esteeming any means applicable for the certainty of retribution, the more preferable to apply, to prevent the commission of offences than downright severity."

"In the quoted instances of judicial award, I cannot conceive that adequate punishment has been meted; and I should rather imagine that many a prosecutor must leave the Court, esteeming himself the party punished by infliction of the

pecuniary mulct of expences; leaving alone time spent and trouble taken in vain; it had been better had the invariable application of Section 8, Regulation XIV. 1797 been adopted. In some cases, Mr. Harrison did award costs, otherwise the adversary, fined 2 or 3 rupees, may have said in boast on his return home, I have paid, it is true, a fine, it has however cost the prosecutor much more."

"If there were only a few isolated cases, no remark might have been necessary, the observations have been called forth from a review of the reports of the twelve months; should the superior Court deem my *stricture* just, I would suggest, that it issue some orders to the Magistrate on the subject for the future guidance of the lower tribunals. There may be cases, in which looking to the circumstances and the offender, the very lowest fine may be sufficient, a general system of low fines is impeachable."

"I would also recommend the issue of a Circular Order to bring more into practice, the rule prescribed for costs; every prosecutor may be said to be entitled to them, when his adversary is cast; and it is only justice, he should be borne, as much free of expense as possible through our Courts. The exception is, when the case is too trivial and should not have been subject of complaint, then in order to counteract a too prevalent disposition to bring petty accusations restitution of costs might be withheld."

294. Without condemning the system of punishment pursued by the Magistrate of Chittagong, in the absence of further information on the subject, the Court observe, that it is an indispensable part of the duty of a Session Judge to satisfy himself, that fines to a small amount are inflicted generally as a punishment for proved offences, rather than with a view to swell the number of convictions appearing in the periodical statements. For this purpose they consider that a Session Judge should occasionally send for, and revise the proceedings in such cases on inspecting the statement No. 9, which the Magistrate is required to furnish monthly. With regard to Mr. Moore's remarks on the subject of awarding costs in criminal cases, under the provisions of Section 8, Regulation XIV. 1797, the Court do not consider it necessary to issue any Circular Orders on the subject. They conclude that Magistrates are aware of the existence of the law, and the enforcement of it in particular cases should be left to their discretion.

295. Mr. Moore has the following observations in regard to the time occupied by a case committed for trial to his Court. "From a statement drawn up in this office, I find the longest cases of trial within the last six months, were four months, reckoning from the date of apprehension; I observed however, that from the date of complaint, trials were much longer pending, and in more than one instance from the recusancy of witnesses." The Court remark, that the Session Judge should have separately stated the different periods a case ordinarily took in passing through his own and the Magistrate's offices.

296. As the various modes of punishment have doubtless engaged the attention of the Prison Discipline Committee, the Court do not consider it necessary in this place to record any opinion in regard to the efficacy of banishment, as a punishment

in crimes of a more serious nature, referred to in the following extract from Mr. Moore's letter of the 20th February last:—"While on the subject of punishment, I would wish to bring to the notice of the Superior Court the efficacy of banishment. This award I believe has of late years, fallen into disuse, the inference may be, that our judges deem that species of punishment ineffectual; I myself think it proceeds from want of attention to its advantages. In respect to a certain class who prey upon society, such as thieves, burglars, and robbers; there is this one benefit that would follow their undergoing their sentence in banishment, that afterwards on their return to their native country, they would not meet with so many of their jail associates; that is if a proper distribution was to take place, fellow criminals not sent to the same jails; and that the banishment be sustained in a distant Zillah jail. Another point for consideration is whether it would not tend to deter the commission of robberies; a removal to another District away from friends, would be an acknowledged hardship: it is well known that their connections keep up a frequent communication with prisoners; and supply their wants; the prevention of this by means of banishment would act upon the feelings of, and probably deter many, from entering into a career of crime.

297. The duties of the Sessions Court were heavy, and were generally discharged with efficiency by Mr. Moore.

ZILLAH SYLHET.

298. Mr. Mytton was Magistrate of this District throughout the year.

* Acquitted,		1091
Convicted,		1374
Committed,		223
Died in jail,		4
Escaped,		2
Transferred to other Jurisdictions,		2
Remaining—		
In Jail,	20	69
On Bail,	49	
		2765

299. At the close of the year 1836 there were 84 persons under examination, viz. 45 in jail, and 39 on bail or personal recognizance—2681 persons were apprehended or summoned during the year 1837, making a total of 2765. These persons were disposed of in the manner noted in the margin.*

* Heinous crimes,	781
Apprehended,	628
Convicted,	202
Acquitted,	197
Petty offences,	928
Apprehended or Summoned,	2137
Convicted,	1172
Acquitted,	894

300. The marginal statement* shews the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." The Court consider the statement with respect to "heinous crimes" to be satisfactory; but the proportion of acquittals in petty cases is large. In regard to the number of apprehensions, acquittals, and convictions the Session Judge has entered at some length in the following remarks taken from his letter submitting the annual statements—"The increase of the number of persons apprehended is in a great measure owing to increased distress, occasioned by bad rice crops as is indicated by the statement of persons apprehended for burglary, and thefts unattended with aggravating circumstances, as shewn in the margin,† but notwithstanding the greater quantity of work thus entailed upon the Magistrate and his subordinate officers including several tedious cases of fraud and embezzlement, the Sudder Nizamut

	Burglary.	Theft.
1835,...	255	252
1836,...	249	261
1837,...	290	451

Adawlut will remark with pleasure, that at the end of the last year there were fewer persons than ever under examination, and reference to the monthly statements for the last 5 months will shew the Court that in no instance has any case been kept pending 3 months or longer."

"The number of persons acquitted, punished and committed for trial in murder, homicide, dacoity, highway robbery, affray with homicide, arson, forgery and gross fraud, perjury, rape or attempt to commit it, embezzlement, administering drugs to procure abortion, burglary, or theft attended with murder, or wounding, assaults with wounding or personal injury, the generality of which are sent in by the Police, is, during the last three years, as follows :—

	Acquitted.	*Punished.*	*Committed.*	*Total of 2 last columns.*
1835, ...	46	15	66	81
1836, ...	34	22	47	69
1837, ...	73	7	213	220

"The number acquitted, convicted and punished, during the last 3 years, in cases of burglary and theft and simple theft, which are also nearly all sent in by the Police, are as follows :—

	Acquitted.	*Punished.*	*Committed to Sessions.*	*Total of 2 last columns.*
1835,.....	108	111	6	117
1836,.....	137	121	0	121
1837,.....	130	185	6	191

The number of persons acquitted and punished for simple assaults, of which are I presume nearly all were sent for by the Magistrate, during the last three years, is as follows :—

	Acquitted.	*Punished.*
1835, ...	256	241
1836, ...	332	531
1837, ...	540	639

and this statement shews that though in 1837 the convictions of assaults bore a more desirable proportion to acquittals than in 1836, yet that somewhat less care has been taken in summoning persons on trivial charges than in 1835, and the cause of this I propose noticing hereafter."

The number of persons punished and acquitted in all other miscellaneous cases some of which were sent for by the Police, and some summoned by the Magistrate is as follows :—

	Acquitted.	*Punished.*	*Committed.*
1835, ...	323	272	13
1836, ...	347	589	10
1837, ...	340	543	8

"The number of cases disposed of and of persons acquitted and punished by the covenanted officers is as follows :—

	Cases decided.	*Persons acquitted.*	*Punished.*
Mr. Mytton, Magistrate,.....	175	135	231
Mr. Metcalfe and Mr. Sturt, Officiating Joint Magistrate, ...	208*	197	327
Mr. Loch, Assistant with Special Powers, ...	367	359	532

* Five cases were disposed of by Mr Metcalfe who performed the duty of Joint Magistrate 67 days. Mr. Sturt joined his appointment on the 21st March 1837.

"The number of cases of persons acquitted and punished by the law officers is as follows :—

Number of cases.	*Persons acquitted.*	*Ditto punished.*
360	400	284

"This disproportion of convictions to acquittals which is the cause of the number of convictions in cases of simple assault (see paragraph 7) not bearing so favorable a proportion to the number of acquittals in 1837 as they do in 1836, is chiefly owing to the negligence of the Pundit, in summoning persons without sufficient grounds; I am happy however in being able to state, that the warning given him in your predecessor's letter dated 24th November 1837, has had the desired effect, and that he has, during the last part of 1837 evinced greater care in the discharge of his duty—the number of persons acquitted by him during the last half year were 94 and those punished were 86."

301. The Court observe that in this District no less than 204 persons were tried for enticing away females and children, of which number 131 were convicted by the Magistrate and his subordinates, 58 persons were punished for neglect of duty. The Magistrate has neglected to note the number of persons released in consequence of Razeenamahs having been filed, and of the non-attendance of prosecutors, an omission which he will be requested through the Session Judge to supply.

302. The Session Judge remarks that "the average number of days taken by the Magistrate and his subordinate officers in disposing of cases, is as follows :—

Number of Days.

	Year.	Months.	Days.
Magistrate, ...	0	1	1
Joint Magistrate,.....	0	1	11
Assistant Magistrate, ...	0	2	2
Cazee, ...	0	2	16
Pundit,.....	0	2	12

The Court consider the time during which a criminal case is pending in the Courts of inferior jurisdiction to be unnecessarily long.

303. The number of persons in jail or on bail at the close of the year is noted in the margin* and requires no particular remark.

* In Jail,	20
On Bail,	49
	69

304. One case was pending in this District on the 31st December 1837, under the provisions of Regulation XV. 1824.

305. Twenty-one persons were in confinement in default of security for good conduct at the same date.

306. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate in criminal trials as well as in miscellaneous cases, and the result thereof is noted in the margin.* The return is considered satisfactory.

CRIMINAL TRIALS.

	Appeals.	Confirmed.	Reversed or Modified.	Pending at the end of the year.
* Mr. Mytton, Magistrate,	24	18	5	1
Mr. Metcalfe, and Mr. Sturt, Joint Magistrates,	1	1	0	0
	22	17	3	2
Mr. Loch, Assistant,	42	26	16	0
	89	62	24	3

MISCELLANEOUS CASES.

Magistrate.

Preferred,		11
Confirmed,	7	
Modified or reversed,	4	
		11

Joint Magistrate.

Preferred,		2
Reversed,	2	
		2

307. The criminal business actually pending in this District on the 31st December is noted in the margin,* and calls for no particular remark.

* Heinous crimes,	28
Petty offences,	52
Appeals,	11
Applications and petitions of every other description,	218
	309

308. Mr. Assistant Loch was in charge of the current duties of the office of Session Judge, from 1st January to 15th June when Mr. H. Stainforth, Officiating Session Judge, joined the appointment.

Sessions Court.

309. At the close of the year 1836 there were 19 persons under examination, 222 were committed in the year 1837—besides 1 committed under instructions of the Civil Court, and not yet tried, making a total of 241—these persons were disposed of in the manner noted in the margin.* The Court consider the number of acquittals to be large. With reference to the Session Judge's statement No. 12 which shews 141 convicted, and 39 referred, the Court will request his attention to their observations on the Session statements for the month of July 1837, from which it will appear that one case including two prisoners referred to this Court was erroneously entered in the Session statements. The Judge will be requested to make the necessary correction.

* Acquitted,	58
Convicted,	139
Referred to Nizamut Adawlut,	41
Died in Jail,	2
Escaped after commitment,	1
Total,	241

310. With respect to the average period during which a trial was pending in the Sessions Court Mr. Stainforth observes—" I was employed 86 days during 1837 in the duty of the Sessions and the average time taken in deciding the cases is 2 months 19 days, but this is owing to there having been no Sessions Judge at the Station until the 15th of June."

311. Two trials were called for by the Court at their English sittings or by precept on appeal, but were not disposed of at the close of the year.

* Acquitted,	1
Convicted,	39
Died,	1
Under trial,	3
	44

312. No prisoners were under reference to the Nizamut Adawlut from this District at the close of 1836, 44 were referred during the year 1837, viz. 41 by Session Judge and 3 by Commissioner of 15th Division, and they were disposed of in the manner noted in the margin.*

313. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1837:

By the Nizamut Adawlut.

Imprisonment for life,	4
Ditto 14 years,	19
From 7 to 14 ditto,	3
From 3 to 7 ditto,	10
Imprisonment for 1 year,	5
Total, ...	41

By the Session Judge.

Imprisonment for 14 years and upwards,	1
7 years and upwards to 14 years,	40
3 ditto and upwards to 7 ditto,	68
1 ditto and upwards to 3 ditto,	20
Less than 1 year,	10
Total, ...	139

By the Magistrate and his Assistants.

Six months and upwards to 3 years,	200
Less than 6 months,	275
Fined,	861
Required to give security,	38
Total, ...	1374

GENERAL REMARKS.

314. On a general review of the results exhibited by the returns from the District of Sylhet, the Court see no reason to modify the opinion expressed by them on the occasion of submitting their report for the preceding year, that they were creditable to the Magistrate Mr. Mytton, to whose efficiency the Officiating Session Judge bears marked testimony.

315. There were no Sessions held in the District of Sylhet for the first six months of the year. By the accumulation that took place during that period the duties which devolved upon Mr. Stainforth, on joining his office, were very heavy. They were however speedily and efficiently disposed of, not a single prisoner having been left untried, and but three appeals unheard at the close of the year. A few irregularities observed by the Court both in the statements and references of trials were brought to the notice of Mr. Stainforth, and will doubtless be avoided in future.

ZILLAH BEERBHOOM.

316. Mr. R. M. Skinner conducted the duties of Magistrate of this District during the year, with the exception of the last 15 days during which Mr. F. Stainforth was in charge.

317. At the close of the year 1836 there were 82 men on bail or personal recognizance, and none in jail; 2347 persons were apprehended and summoned during the year 1837, making a total of 2429. These persons were disposed of in the manner noted in the margin.*

* Acquitted, ...	580
Convicted, ...	1674
Committed, ...	33
Died, ...	18
Sent to other Zillahs,...	117
Pending, ...	7
	2429

318. The number of persons apprehended, convicted, and acquitted in heinous and miscellaneous offences is given in the margin.*

* Heinous offences, ...		226
Apprehended,.....	331	
Acquitted, ...	67	
Convicted, ...	231	
Committed,...	20	
Died, ...	3	
Sent to other Zillahs,...	9	
Pending, ...	1	
	331	
Miscellaneous offences,		677
Apprehended, ...	2098	
Released,.....	513	
Convicted, ...	1443	
Committed,...	13	
Died,.....	15	
Sent to other Zillahs,...	108	
Pending, ...	6	
	2098	

319. In their report for the year 1836, the Court had occasion to notice the circumstance of a large proportion of the convictions in miscellaneous cases being on charges of neglect against Police watchmen and villagers, and the correspondence

which took place on the subject was submitted for the consideration of Government. The reply of the Commissioner was not received during the period that officer was vested with the Superintendence of the Police. Mr. D'Oyly however in submitting the statements for the past year remarks as follows in regard to the proportion of convictions and acquittals: "The result is very favorable, at least it appears so to me; the number of men apprehended for neglect of duty was remarked by the Court in their past year's report as very great, being 1181, but my letter dated 24th December 1836, in answer to the Court's reference explained the peculiarity of this District, and the cause of these apprehensions appeared to me generally satisfactory; this year the number although great is much reduced being 935, out of which more than 700 were punished by small fines, or a few days imprisonment: hence it appears that a stricter enquiry has this last year been made in the Moofussil previously to the apprehension of persons for neglect of duty." The Court cannot concur with the Session Judge in considering that the general results exhibited in this respect are satisfactory, as they are of opinion that the number of apprehensions for neglect of duty is still very large.

* In Jail,	4
On bail,	3
	7

320. The number of persons in jail and on bail at the close of the year is noted in the margin.* The small number of prisoners under examination is very creditable to the Officiating Magistrate.

321. No case was pending under the provisions of Regulation XV. 1824 at the close of the year.

322. Twenty-two persons were confined in default of security for good behaviour.

Regular Cases.		
* Pending in 1836,		0
Admitted in 1837,		32
Confirmed,	22	
Reversed or modified,	8	
Sent to the Commissioner,	2	
	32	

Miscellaneous Cases.		
Admitted,		7
Confirmed,	5	
Modified,	1	
Struck off,	1	
	7	

323. The number of appeals from the Magistrate's decisions in cases regular and miscellaneous, and their results are noted in the margin.* The statements are considered satisfactory.

324. The criminal business pending in the Courts of this District at the close of the year was as follows:

Heinous offences,	3
Petty offences,	5
Appeals,	6
Proceedings for other Districts,	2
Miscellaneous cases,	209
Total,	225

The reduction as compared with the business of the preceding year is considered satisfactory.

325. Mr. J. H. D'Oyly was Session Judge of the District of Beerbhoom during the whole of 1837. He sat in the Sessions Court for 23 days. Sessions Court.

326. There were no persons under trial on commitment by the Magistrate at the end of the year 1836, 33 persons were committed during 1837 who were disposed of as follows:—

Convicted,	20
Acquitted,	12
Died,	1
Total, ...	33

The Court consider the proportion of acquittals to be large: and the following remarks of the Session Judge in one case in which 9 prisoners were acquitted, tend to the conclusion that the evidence was not such as to warrant the commitment: "Buddun Hujra and 8 other prisoners were committed for trial on the 30th of "March 1837 for making away with the plaintiff's husband's brother, on strong "presumption of murder, were acquitted for want of proof on the 29th of April "1837." "These men were made over upon the evidence of certain per-"sons who were in the house of Gooroochurn on the 28th Assin last or "12th October, and who swore to the fact of the prisoner's having called on him at "about 12 o'clock at night to go out with them, since which time Gooroochurn has "not been heard of. I am not quite satisfied that if this fact had been clearly prov-"ed in my Court it would have been sufficient to convict the prisoners, because "no quarrel seemed to have existed between them and the missing man, who was "in the habit of going his rounds at night, he being the Foujdary Gomasta, but if "the Magistrate thought otherwise, I conclude that he was right in making the case "over to my Court, however that fact was not satisfactorily established, and I concur "in the Futwah that such evidence as that given, was not sufficient to convict."

327. No trials were referred to the Nizamut Adawlut. One case however was called for at the English sittings. The sentence in one was confirmed; in which 5 years' imprisonment was enhanced to 14 years.

328. In one trial the order of the Session Judge was annulled, the proceedings quashed, and a retrial ordered.

329. The following is an abstract of the sentences passed on the prisoners convicted in the District of Beerbhoom during the year 1837:

By the Session Judge.

Seven years and upwards,	1
* Five ditto and upwards,	16
One ditto and upwards,	2
Less than 1 year,	1
Total, ...	20

* 1 case called for by the Nizamut Adawlut and the punishment enhanced.

By the Magistrate and his Assistant.

Six months and not exceeding 3 years,	165
Less than 6 months,	356
Fined,	1000
Dismissed,	86
Security required,	67
Total,	1674

330. The Session Judge has the following remarks in regard to the average length of time a common trial was pending in the Magistrate's and Sessions Courts: "The number of days that a common trial has been pending in the Magistrate's office during the last year, may be averaged at within one month and a half from the date of apprehension, but if taken from the date of appearance at the Sudder office, I should say within 25 days, this is a very great improvement upon last year's result." "From the date of the commitment of a case to the Sessions Court until the final disposal of the same, the time has been during the past year between 15 and 20 days; and from the date on which all parties were declared in attendance the average has not been more than 3 days." The improvement is great as compared with the proceedings of the preceding year.

GENERAL OBSERVATIONS.

331. The Court are satisfied with the manner in which Mr. D'Oyly has conducted the duties of the Session Court. The trials appear to have been regularly conducted, the statements have been regularly submitted, and the explanations of trials held at the monthly jail deliveries have been full and satisfactory.

332. With regard to the Magistrate's Court, the number of persons apprehended and convicted bears a very fair proportion to the number of crimes ascertained to have been committed in regard to those of the nature of burglary and theft. With respect however to the graver offences of murder and dakoity, the perpetrators have altogether escaped with one or two exceptions. And here the Court cannot but remark the very incorrect manner in which the Magistrate's statement No. 1 has been prepared. The mode of entry therein adopted is calculated entirely to mislead the superintending authority in regard to the efficiency of the Police, or lead to the conclusion, that the Magistrate has acted most illegally in passing sentence upon prisoners convicted of offences altogether beyond his competency to punish. In the statements under consideration it appears that 24 persons were convicted of dakoity and sentenced by the Magistrate. On referring to the monthly statements however it appears that instead of having been convicted of dakoity, the parties accused were pronounced guilty of a failure of duty in endeavouring to apprehend criminals, and were visited with inferior punishment by the Magistrate. In such case the accused should have been entered as acquitted of the graver charge, and in the event of its being considered necessary to detain them to answer to any minor offence, they should have been re-entered under the particular head for that offence, or under the concluding head of

miscellaneous crimes if the specific crime charged was not specially provided for in the statement: a note at the same time should have been given in the last division of the statements explanatory of the circumstance. The Sessions Judge's remark therefore in regard to the number of persons convicted and acquitted in heinous offences, to the effect that the result "is very good, the convictions being more than two to one acquittal," cannot be received without qualification.

333. The Court observe that the details of miscellaneous crimes and offences which have been extended to 73 headings might have been greatly compressed. They also observe that the Magistrate has punished certain offences against the Salt and Opium Monopolies. He will be informed that offences of the nature of smuggling and illicit sale of those articles are punishable by the Officers of the Salt and Opium department.

ZILLAH BHAGULPORE.

Magistrate's Court.

334. Mr. J. Dunbar was Magistrate of Zillah Bhagulpore from the commencement of the year to the 29th April, when Mr. H. F. James received charge of the office.

335. At the close of the year there were 9 persons under examination, (viz. 4 in jail and 5 on bail,) and 1252 persons were summoned or apprehended during the year, making a total of 1261 persons under examination. These persons were disposed of in the manner indicated in the margin.*

* Acquitted,		237
Convicted,		850
Committed,		158
Died in jail,		6
Transferred to other jurisdictions,		3
Under trial—		
In Jail,	4	7
On Bail,	3	
		1261

336. The statements in the margin* show the number of persons apprehended on charges of serious and petty offences, the number acquitted, and the number convicted and punished. The proportion of convictions to acquittals in 1835 was as 7 to 6, in 1836 as 7 to 1-6th, and in 1837 as 7 to 19-20ths. The Court were led to suppose, in reviewing the statements for 1836, that the number of commitments was considerably less than what the statements indicated, and that in fact many persons who would otherwise have appeared among the "acquitted" were included among the "convicted," by having petty fines imposed on them "not as the penalty due to crime, but merely as a caution for the future." The Officiating Commissioner of the Division, who led the Court to form these opinions, could not, when called upon for further explanation on the subject, furnish any that was at all satisfactory. The remarks, however, which Mr. Dunbar submitted, in explanation of his proceedings, satisfied the Court that they had been misled by the Officiating Commissioner, so that they had no hesitation in recalling their animadversions on the statements for 1836, and in recording their approbation of Mr. Dunbar's administration and their opinion that the proportion of convictions to acquittals was highly creditable to him. The Court have deemed it due to Mr. Dunbar to advert to these circumstances.

* Heinous crimes, ...	488
Apprehended,	414
Convicted,	157
Acquitted,	98
Petty offences,	449
Apprehended,	847
Convicted,	693
Acquitted,	139

It only remains to observe, that the efficiency of the Police of the District appears by no means to have declined under the superintendence of Mr. James during the past year.

337. It appears that 242 persons were punished during the year for neglect of duty, and that besides these, 58 Police officers were punished for stretch of authority and other offences. The Magistrate's statement No. 1 which is drawn up according to the old form, does not shew whether any persons were discharged in consequence of the non-attendance of prosecutors, or the filing of Razeenamahs. The Court observe also that the miscellaneous offences have been extended to a most unnecessary length, instead of being classified under a few heads.

* In Jail, ...	4
On Bail, ...	3
	7

338. The number of persons in jail or attending on bail, on the 31st December 1837, is noted in the margin.*

339. Two suits under Regulation XV. 1824, were pending at the end of the year. One of them, instituted in March had been referred to a Deputy Collector under Regulation IX. 1831, for local investigation, but was recalled under the orders of the Nizamut Adawlut of the 1st December.

340. Eight persons were in confinement on default of security for good conduct. The Officiating Session Judge remarks: "There have been no appeals preferred during the year on the part of prisoners from whom security for good conduct has been required, a circumstance at which I am surprised, and cannot but think their ignorance of the law has been the cause of the non-presentation of such. I have consequently considered it proper to take measures for making them acquainted with the Regulation of Government on the subject, that any one may appeal who chooses.

* Appeals.		
Regular Trials.		
Preferred,.....		53
Confirmed,.....	30	
Reversed, ...	20	
Pending,.....	3	
		53
Miscellaneous Cases.		
Preferred, ...		37
Confirmed,.....	31	
Reversed, ...	6	
		37

341. The number of appeals from the orders of the Magistrate preferred during the year in regular trials and miscellaneous cases, and the results are noted in the margin.* The results in the former are not very satisfactory.

* Heinous offences, ...	4
Petty offences, ...	1
Appeals, ...	3
Proceedings from other Districts, ...	8
Miscellaneous cases, ...	104
	120

342. The criminal business actually pending in this District on the 31st December last is stated in the margin.* The statement is satisfactory.

MONGHYR.

343. Mr. F. Cardew was Joint Magistrate of Monghyr till the 23d of May, when he delivered over charge to Mr. R. F. Hodgson, who acted as such from that date to the 1st August, on which date Mr. G. W. Battye assumed charge of the District.

Joint Magistrate's Court.

344. At the close of the year 1835, there were 67 persons under examination (viz. 20 in jail and 47 on bail,) and 1630 persons were summoned or apprehended during the year, making a total of 1697 persons under examination. These persons were disposed of in the manner indicated in the margin.*

* Acquitted,	587
Convicted,	1014
Committed,	62
Died in jail,	4
Escaped,	4
Transferred to other jurisdictions,	5
Under trial,	21
	1697

345. The statement in the margin* shows the number of persons apprehended on charges of heinous crimes and petty offences, the number acquitted, and the number convicted and punished. An analysis has been prepared by the Officiating Session Judge calculated to show the part which each officer, who exercised criminal jurisdiction in Monghyr during the year, had in the convictions and acquittals both in the Joint Magistrate's and in the Sessions Court; but, owing to the Magistrate's statement No. 1 having been drawn up according to the old form, the Court are not in possession of the data requisite for ascertaining in what degree praise or blame has been deserved by each of the officers referred to. The number of persons fined and discharged, for instance, is stated at 488, but there is no specification of the fines imposed, nor can it be ascertained to what extent or under what circumstances this mode of punishment was resorted to by those officers. The Court observe that 291 Police officers were punished for neglect of duty; and that 25 persons were discharged on Razeenamehs being filed, and only 1 person in consequence of the non-attendance of prosecutors. It is observable also, that among the acquitted are included 50 persons, who are said to have been sent to Monghyr by the Magistrate of Moorshedabad on suspicion of their being bad characters, but against whom there was not a shadow of proof. The Magistrate of Moorshedabad will be called upon, through the Session Judge of that City, for an explanation of the grounds on which he acted.

* Heinous crimes,	579
Apprehended,	600
Convicted,	328
Acquitted,	202
Petty offences,	759
Apprehended,	1097
Convicted,	686
Acquitted,	385

346. The number of persons in jail and attending on bail, at the close of 1837, is noted in the margin.* The statement is satisfactory.

* In Jail,	3
On Bail,	18
	21

347. There were no suits under Regulation XV. 1824 pending in Monghyr at the close of the year.

348. Eighteen persons were in confinement on the 1st January 1838 on default of security for good conduct.

349. The number of appeals preferred from the decisions of the Joint Magistrate in criminal trials and miscellaneous cases, and the manner in which they were

* APPEALS.

Criminal Trials.

Preferred,		52
Confirmed,	38	
Reversed,	14	
		52

Miscellaneous Cases

Preferred,		67
Confirmed,	57	
Reversed,	7	
Transferred to Superintendant of Police,	3	
		67

disposed of, are shown in the marginal statement.* The results exhibited are very creditable to the Officers passing the orders.

* Heinous offences,	1
Petty offences,	12
Appeals,	6
Proceedings from other Districts,	30
Miscellaneous cases,	92
	141

350. The criminal business actually pending in this District on the 31st December last, is noted in the margin.* This return is considered satisfactory.

Sessions Court.

351. There was no Session Judge in the District at the beginning of the year 1837 the current duties of the office being in charge of Mr. Assistant Steer. Mr. J. Dunbar officiated as Session Judge from the 29th April to the 1st August and Mr. T. Wyatt from the latter date to the close of the year. The former Officer held sittings in the Sessions Court for one month and fifteen days, and the latter for two months and twelve days.

* Acquitted,	40
Convicted,	149
Referred,	31
Commitments annulled,	3
Died in jail,	16
Still under trial,	14
	253

352. At the close of the year 1836 there were 34 persons under trial, and 219 persons were committed during the year, making a total of 253 persons under trial, whose cases were disposed of in the manner indicated in the margin.* The result of the commitments is creditable to the Officers by whom they were made.

353. It may be proper to observe that Mr. Dunbar disposed of 13 cases including 51 prisoners, and Mr. Wyatt 42 cases including 168 prisoners. The state of Mr. Dunbar's health did not permit him to dispose of more cases; hence, when Mr. Wyatt took charge of the Sessions Court, there were 123 prisoners awaiting their trial. "This work," observes Mr. Wyatt, "I was only enabled to engage upon from the month of September, after I had received the calendars and proceedings of the Magistrates of Bhaugulpore and Joint Magistrate of Monghyr, and the attendance of the prosecutors and witnesses, dispersed all over the country, had been procured." These arrears were disposed of by Mr. Wyatt's exertions by the end of October.

354. Three trials were called for on revision of the jail delivery statements at the English sitting or by precept on appeal. The punishment adjudged by the Session Judge was confirmed in one case and enhanced in another. One case remained undecided.

* Acquitted,	1
Convicted,	21
Under trial,	9
	31

355. The cases of 31 prisoners were referred during the year under review for the final sentence of the Nizamut Adawlut. These were disposed of in the manner noted in the margin.*

356. The following is an abstract of the sentences passed on the prisoners convicted in Bhaugulpore and Monghyr during the year 1837.

By the Nizamut Adawlut.

Death,	1
Imprisonment for life,	3
For 14 years,	16
For 7 years,	1
	21

By the Session Judge.

Imprisonment for 14 years and upwards,	34
For 7 years and not exceeding 14,	51
For 3 years and not exceeding 7,	59
For 1 year and not exceeding 3,	3
Less than 1 year,	2
	149

By the Magistrate of Bhaugulpore and his Assistants.

Imprisonment for 3 years,	11
For 1 year and not exceeding 3 years,	30
For less than a year,	370
Fined,	398
Security required,	6
Dismissed from office,	23
Convicts flogged,	12
Total, ...	850

By the Joint Magistrate of Monghyr and his Subordinates.

Imprisonment for 3 years,	12
For 1 year and not exceeding 3 years,	84
For less than a year,	372
Fined,	488
Security required,	24
Dismissed and suspended from office,	33
Convict flogged,	1
Total, ...	1014

General Remarks.

357. Mr. Wyatt makes the following remarks on the state of the Police, and the official character and conduct of the officers at present exercising Magisterial powers in Bhaugulpore and Monghyr. "Though required to submit a general

report on the state of the administration of criminal justice for the past year, the Court will be pleased to be aware that I have only been in the charge of the office of Session Judge of this District since 1st August last whence my observations on this subject must for the greater part be confined to the last six months during which I have had any experience, nor does it appear necessary that they should extend to a further period back since my predecessor Mr. Dunbar furnished a long report on the subject for the first six months of 1837 which was highly approved by the Nizamut. I beg to state therefore that as far as I am able to form an opinion as to the manner in which criminal justice has been administered during the last six months from the monthly Persian statement No. 9 furnished by the Acting Magistrate of Bhaugulpore and Joint Magistrate of Monghyr, whether persons have been properly or improperly apprehended by the Police (from the greater proportion the acquittals have borne to the convictions) whether, when apprehended and dispatched to the Magistrates they have been kept in Hajut a long time than was avoidable, before they were tried and whether the punishment were legally awarded, I beg to state that the Police, on the whole, do not appear to have been guilty of any wanton exercise of authority in the apprehension of persons whom they had not good reason to suppose were implicated in the commission of crime, that with the exception of a few cases both in Bhaugulpore and Monghyr, the Magistrates do not seem to have detained persons in Hajut before passing final orders in their cases, for any unusually long period, but on the contrary to have generally tried them with as much quickness as the collection of the necessary evidence would admit, and that they do not appear to have exceeded their authority in any cases in the punishment of offenders."

Districts.	Total appeals preferred with the balance of June.	Confirmed	Modified.	Pending.
Bhaugulpore, ...	41	27	11	3
Monghyr, ...	41	33	8	0

"With respect to the proceedings of Mr. James which I have had occasion to call for, on a revision of the monthly statements and the criminal appeals which have been preferred from his decisions during the last six months, with what were pending at the end of June, I find that I have only had occasion to reverse or modify his orders in 11 out of 97 cases, and, as referring to Mr. Battye, 8 out of 41 cases, the decisions of both these officers in the larger number of cases appearing to have been regulated by a just consideration of the punishment due to the offenders."

"As connected with the Sessions, I beg to observe that, decoity seems to have formed the principal crime, in Bhaugulpore, on which the largest number of prisoners was committed for trial during the year. So many as 91 persons were committed for this crime, of whom 67 were convicted and punished. Next to this the greatest number of persons were committed, I am sorry to observe, for murder. There were 12 cases of this dreadful crime, in which 27 persons were committed, of whom 13 were convicted and sentenced, and, as regards 12 prisoners the sentence of the Nizamut had not been passed up to 31st December."

"In respect to Monghyr the largest number of persons committed appears to have been for murder, perpetrated in 1836, viz. 16, of whom 12 had been convicted, and sentenced by the Nizamut, the other four prisoners having died, after which the crimes of highway robbery and arson appear to have embraced the largest number of offenders committed."

"In respect to the information required in the 4th paragraph of that circular, it would appear, on an examination of the last heading of the Persian statement No. 9, furnished monthly by the Magistrates, that, a common criminal trial is usually pending about 4 or 5 days and that the period which usually elapses after commitments before a case is decided by the Session Judge is three weeks or a month, a delay, which cannot well be obviated, as the Magistrate, after commitment, has to draw up his final Roobookaree of commitment, prepare his calendar, intimate to the Session Judge the date on which the prosecutor and witnesses can attend his Court and learn whether he shall cause their attendance on that date or any other and await his reply, fixing the period for the trial, before he summons the prosecutor and witnesses, who, if they live at a distance from the Sudder station, which is generally the case, this time must necessarily elapse before their presence can be secured and the trial take place. As to the time actually occupied by the Session Judge in trying a case when once before him, it seldom exceeds two days unless occasion should arise for postponing the trial in order to procure further evidence."

"It affords me pleasure to bear testimony to the activity, diligence and general ability, with which Mr. James, the Acting Magistrate of Bhaugulpore, hasperformed the duties of Magistrate since I have been here. To equal praise Mr. Battye, the Joint Magistrate of Monghyr, is entitled. Both Officers have been most punctual in the transmission of their monthly criminal statements which I have almost always found prepared with great accuracy. In making their commitments also, they have used every despatch in the preparation and transmission of their calendars and proceedings and obtaining the attendance of all parties concerned."

"I have equal pleasure in stating that Mr. Bagge, the present Officiating Joint Magistrate of Bhaugulpore, as well as Mr. Hodgson, the Special Joint Magistrate of Monghyr, appear to me to be both extremely industrious Officers and to possess excellent judgment."

358. The Court consider that the duties of the Session Court have been efficiently discharged by Mr. Wyatt during the period he has had charge of that office.

ZILLAH DINAGEPORE.

359. Mr. E. Bentall was in charge of the office of Magistrate of this district during the past year.

360. At the close of the year 1836 there was 1 person under trial, 1602 persons were apprehended or summoned during the year 1837, making an aggregate of 1603, these persons were disposed of in the manner noted in the margin.*

* Acquitted,.....	260
Convicted,.....	1277
Committed to the Sessions, ...	66
Total,...	1603

* Heinous crimes,.....	1949
Apprehended, ... 625	
Acquitted,... 143	
Convicted, .. 419	
Petty offences, ...	916
Apprehended, ... 978	
Acquitted,... 117	
Convicted,... 858	

361. The statement in the margin* shows the number of persons apprehended, convicted and acquitted in "heinous crimes," as well as in "petty offences." The Magistrate's statement exhibits a large proportion of crime, viz. 7 murders, 16 dakoities, (one of them attended with murder) 862 cases of burglary, and 1008 crimes of the nature of theft. The latter the Court have reason to believe are chiefly cases of cattle stealing, a crime very prevalent in this district. The Court observe however that notwithstanding the large positive extent of crime, there has been a great improvement as compared with the results exhibited by the statements of 1836, as shown by the marginal abstract which speaks very favorably for Mr. Bentall's exertions in the improvement of the Police of his district. Of the persons convicted of petty offences 278 were for neglect of duty. Four persons were discharged in consequence of Razeenamahs being filed, and none for non-attendance of prosecutors.

Description of Crimes.	1836.	1837
Dakoity, ...	27	16
Burglary, ...	1138	862
Theft, ...	1506	1008
Number of persons apprehended for serious crimes in 1836,.....		860
Ditto in 1837, ...		625
Convicted in 1836,.....		298
Ditto in 1837, ...		419

362. No persons were under trial at the close of the year, a circumstance extremely creditable to the Magistrate Mr. Bentall.

363. No cases were pending under Regulation XV. of 1824 in this district, at the close of the year 1837.

364. Sixteen persons were in confinement in default of security for good conduct at the same period.

* Appeals in Criminal Trials.	
Pending in 1836,.....	6
Preferred in 1837, ...	16
	22
Confirmed, ...	8
Reversed or modified,	8
Pending, ...	6
	22
Miscellaneous Cases.	
Preferred, ...	2
Confirmed, ...	1
Reversed,.....	1

365. The number of appeals preferred from the Magistrate's decisions in criminals trials, and also in cases of a miscellaneous nature, and the result thereof, is noted in the margin.* The statement calls for no particular remark.

* Heinous crimes,.....	0
Petty offences, ...	88
Appeals, ...	1
	89

366. The criminal business actually pending in this district on the 31st December last, is noted in the margin.* This statement is considered to be very satisfactory and creditable to the Magistrate Mr. Bentall.

Joint Magistracy of Malda.

367. Mr. G. W. Battye was Joint Magistrate of Malda from 1st January to 6th April when he was relieved by Mr. E. Lautour. Mr. Lautour was succeeded by Mr. A. Sconce, who received charge on the 31st October, and held the appointment to the close of the year.

368. At the close of the year 1836 there were 20 persons under trial, viz. 11 in jail and 9 on bail or personal recognizance, 1265 persons were apprehended

or summoned during the year 1837, making a total of 1285. These persons were disposed of in the manner noted in the margin.*

* Acquitted,.....	301
Convicted,.....	822
Committed, ...	151
Died in jail, ...	1
Transferred to other Courts, ...	7
Under trial—	
In Jail, ... 1	3
On Bail,..... 2	
Total,...	1285

369. The marginal statement shews the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." The Court taking into calculation the number of commitments consider the statement in regard to "heinous crimes" to be very satisfactory, and a great improvement on the results exhibited by the returns of the preceding year. The proportion of convictions to acquittals for petty offences is also satisfactory, 74 persons were punished for neglect of duty, 6 were acquitted in consequence of Razeenamahs being filed, and 2 in consequence of the non-attendance of prosecutors.

* Heinous crimes,.....		126
Apprehended,.....	335.	
Convicted, ... 103		
Acquitted, ... 72		
Petty offences,.....		483
Apprehended,.....	950	
Convicted, ... 719		
Acquitted, ... 229		

370. The number of persons in jail or on bail on the 31st December last is noted in the margin.* This statement is considered to be very creditable to the Joint Magistrate Mr. Sconce.

* In Jail,.....	1
On Bail, ...	2
	3

371. No cases instituted under Regulation XV. 1824 were pending in this Joint Magistracy at the close of the year 1837.

372. Three persons were in confinement in default of security for good behaviour at the same period.

373. The number of appeals preferred from the decisions of the Joint Magistrate in criminal trials, as also in miscellaneous cases and the result thereof which is noted in the margin,* calls for no particular remark.

* Criminal Trials.	
Appeals, ...	
Confirmed, ...	16
Modified or reversed, ...	8
Pending, ...	23
Total,...	47

Miscellaneous Cases.	
Appeals, ...	
Confirmed, ...	2
Reversed or modified, ...	4

374. The statement of criminal business pending in this Joint Magistracy at the close of the year has not been furnished. The Court observe with reference to the number of persons under trial that the quantity must have been small, but the statement should have been supplied.

375. Mr. Assistant McDonald was in charge of the current duties of the Judge's office from 1st January to 22d February when he was relieved by Mr. Wyatt the Session Judge; Mr. Wyatt again made over charge of the office to Mr. McDonald on 22d July and the district was left without a Judge for the remainder of the year. The Sessions however for the month of September were held by Mr. T. A. Shaw, Judge of Rungpoor, under the Special orders of Government dated the 14th August 1837. Sessions Court.

* Acquitted,	13
Convicted,	42
Referred to the Nizamut Adawlut,	6
Died in jail,	1
Remaining under trial,	10
Total,	72

376. At the close of 1836 there were 6 persons under trial on commitment by the Magistrate of Dinagepore, 66 were committed in 1837, making a total of 72. They were disposed of as noted in the margin.* The result is creditable to the Magistrate Mr. Bentall.

* Acquitted,	11
Convicted,	97
Referred to Nizamut Adawlut,	52
Died in jail,	4
Remaining for trial,	10
Total,	174

377. There were 23 persons under trial at the close of 1836 on commitment by the Joint Magistrate of Malda, 151 were committed during 1837, making an aggregate of 174. They were disposed of in the manner noted in the margin.* The result evinces the exercise of a sound discretion on the part of the committing Magistrates.

378. Eight trials held by Mr. Wyatt were called for at the English sittings under Section 5, Regulation IX. 1831 or by precept on appeal. In two of these the sentences were considered too severe, and mitigated accordingly, and in the remaining six the punishments were enhanced.

Nizamut Adawlut.

* Dinagepore,	6
Malda,	52
	58
† Acquitted,	1
Convicted,	9
Pending,	49
	59

379. One prisoner was under reference from Dinagepore to this Court at the close of 1836. The number referred in 1837 was 58* making a total of 59. They were disposed of in the manner noted in the margin.† The 49 prisoners remaining under reference at the close of the year were committed in two trials, one of dakoity and the other of riot attended with murder and arson, which will be more particularly alluded to hereafter.

380. The following is an abstract of the sentences passed upon the prisoners convicted in these districts during the year 1837 :

By the Nizamut Adawlut.

Death,	6
Imprisonment in transportation for life,	2
Imprisonment for 8 years,	1
Total,	9

By the Sessions Court.

From 6 to 14 years,	96
„ 3 to 7 ditto,	24
„ 1 to 3 ditto,	10
Less than 1 year,	3
Fined and discharged,	6
Total,	139

By the Magistrate of Dinagepore.

From 6 months to 3 years,	334
Less than 6 months,	362
Fined,	547
Required to furnish Security,	34
Total,	1277

By the Joint Magistrate of Malda.

From 6 months to 3 years,	129
Less than 6 months,	185
Fined,	473
Required to give security,	22
Dismissed from Office,	13
Total, ...	822

GENERAL REMARKS.

381. The Court are glad to observe an improvement in the Police and criminal administration of the districts of Dinagepore and Malda during the past year, highly creditable to the officers,* who have been in charge of them. Still however crimes was frequent (though by no means to the extent that existed during the preceding year) but the perpetrators in the majority of the heinous cases were apprehended and prosecuted to conviction. Two very serious cases both of which occurred in Malda the Court consider should be prominently noticed.

* Mr. Bentall, " Battye, and " Lautour.

382. The first is a case of robbery committed by a large gang of dakoits in the house of one Jhaproo Sahoo, a respectable mahajun, blind and very infirm, whom the dakoits murdered and robbed of property to the value of 16,479 rupees. The perpetrators of this crime were previously acquainted with the unfortunate man, who was murdered and whose property appears to have been the only inducement to the commission of the outrage. The most active measures were adopted for the detection of the offenders: the Police proceeded to the spot the night of the dakoity by order of the Magistrate, which shews that it could not have been far from the station: and early in the morning the Joint Magistrate was himself at the house of the deceased. The measures thus promptly taken resulted in the discovery and apprehension and ultimate conviction of the gang. The case was undecided in this Court at the close of the year 1837, but sentence has been since passed. Two of the ringleaders were sentenced to suffer death, two to imprisonment for life; and eight others of the gang to imprisonment in banishment for 14 years.

383. The second case alluded to was one of riot attended with murder and arson, and is thus described by the Session Judge in his letter of reference:

" This was a very serious affray, being a party attack made by Moosulmans against Hindoos, and took place on the occurrence of a Hindoo festival, the Ramnobomee pooja, falling on the 8th day of the last Mohurrum. A large body of Mohumudans armed with swords and sticks collected in the village of Sooltangunj situated on the Ganges, about 20 miles below Rajmuhal and 14 from Malda, and, in spite of the personal efforts of the Joint Magistrate and the Police, openly slaughtered a cow and sprinkled its blood on the walls of a Hindoo temple. They then set fire to the village, by which it and the temple were consumed, and the wife of one of the Hindoos was burnt to death. The ostensible object was to bid open defiance to the Hindoo faith. It would appear, however, that the rioters, or at least, their

leaders, were also influenced personally by motives of hatred and revenge, for they occasionally had disputes regarding boundaries with the Hindoo resident proprietor of the village and the temple."

"The statement made by the prosecutor, a Gomashta of the Hindoo Zumeendar, is very full, and, is in abstract, as follows:—"The Ramnobomee pooja and Mohurrum occurred together in April last. The prisoners Meer Evuz Allee and others conspired and resolved that if my master Deenonath Ahustee should sound any of his instrument of worship, as the drum, and the conch, during the Mohurrum, they then would slaughter a cow in his premises. My master consequently petitioned the Joint Magistrate, and they and others were made to enter into personal recognizances, each in the sum of 1000 rupees to keep the peace, and subsequently, on a repetition of their threats, they were again made to furnish Moochulkas of 5000 rupees each. Then we heard that they had resolved to plunder my master's house, and pay the amount of the Moochulkas with the booty. The Joint Magistrate sent his tent and pitched it on the spot, two days before the riot; and directed each of the Zumeendars to send 15 men to keep guard. On the preceding day, the prisoners Meer Evuz Allee, Meer Jichoo and Syud Rujub Allee were summoned; only the two latter came, and, in the presence of the Police Darogha, they and my master entered into an amicable agreement, that on the following day, being the festival of Ramnobomee, the pooja should be completed before midday, and after that hour the Moosulmans might perform shirnee. Accordingly next day the pooja was finished by 8 o'clock, and my master had gone home. About 9 o'clock A. M. the Joint Magistrate arrived, and my master and the prisoners Meer Evuz Allee, Meer Jichoo, Futtoo Fuqueer Buhor, Syud Mustofabuksh and Syud Rujub Allee waited on him. Subsequently the remaining prisoners and others began to arrive in bands of two or three hundred men, mostly armed with swords and sticks: amounting in all, to about 5000 or 6000 men. Two of the Moosulmans (Mangun and Phunoo, not prisoners) represented to the Joint Magistrate, that if Denonath Baboo would give Moochulka promising to abstain from sounding his instruments of worship, the Moosulmans would refrain from slaughtering a cow or making any riot. Consequently the Baboo was sent for, and came, but on his approach the Moosulmans shouted out—"Ya Hosyn" and he advisedly returned home. The Thanadar however went and brought a Moochulka from him, which was shewn to the people, but the people declared that he should give a written promise to abstain, not for three days as he had written, but for the remainder of his life, a request which the Magistrate rejected. Upon which a large party of 500 or 700 Moosulmans immediately slaughtered a cow on the spot, where there was no Durga, and distant only 80 cubits from the Joint Magistrate's tent, and dragged it to within a few cubits of my master's Chundee Mundel, or house of worship, and sprinkled its wall with the blood of the animal. At this period the Joint Magistrate being on horseback and attended by his Police, attempted in vain to quell the riot, and was obliged to retreat, and return to Malda. Afterwards the prisoners, Meer Evuz Allee, Meer Jichoo, Syud Looft Allee, Syud Mustofabuksh, and Syud Rujub Ullee and others began to harangue the rioters, saying that as they had gone so far as to slaughter a cow, they must now proceed to plunder and burn the house of the Zumeendar to deprive him of his caste and cut off his head. At which several of the Moosulmans rushed into the Chundee Mundel, and the prisoner Eedoo brought

a lighted stick and set fire to the cow house of Jooramun Chowbe (the Zumeendar's uncle) which, as the west wind blew strong, caused the total destruction of 15 or 16 Ryuts' houses. About 40 or 50 Hindoos were proceeding to extinguish the fire, but being assailed by the opposite party with bones, bricks and clods of earth, they were forced to flee. In the house of Jooramun Chowbe his brother's wife was burnt to death. My master's Kutcherry and Chundee Mundel were also consumed, and much property plundered. My master's loss was to the amount of 214 rupees, and that of his uncle rupees 1,397-10 annas as per the lists furnished. The whole of the prisoners were amongst the rioters." (In reply.) "The Zumeendaree of my master is adjacent to those of the prisoners Meer Evuz Allee, Meer Jichoo and Syud Lootf Ullee. The annual Juma of the former is about 11,000 rupees, and that of each of the latter 700 or 1,000 rupees. Meer Jichoo was formerly my master's Mookhtar. All the rest are relatives, dependants or Ryuts of the prisoners Meer Evuz Ullee, Meer Jichoo, and Syud Lootf Ullee. They had quarrels with my master respecting boundaries and at such periods, the Ryuts of each party used to fight, consequently they were not on friendly terms. No dispute of a religious nature, ever before occurred between them. This riot was occasioned by the circumstance of the religious festival of each sect occurring on the same day, and may be ascribed partly to their former quarrels: on the day in question, my master acted fully up to his promise to complete the pooja by midday. None of the Hindoos did any thing to insult or annoy the Moosulmans: nor did any of the latter complain of the Hindoos. I have no doubt that the Moosulman *party* amounted to five or six thousand men: of whom about one or two hundred were unarmed: about the same number carried swords; and all the rest had sticks; and they acted in concert with these prisoners. The prisoner Meer Evuz Ullee was the principal Sirdar, Meer Jichoo, Syud Lootf Allee, Futtoo Fuqueer, Syud Mustofabuksh, Syud Rujub Allee and Meer Buksh Ullee were also leaders of the rioters, for they addressed and directed the people. The cow for the slaughter was brought openly: it was removed by the Police, but was again, as openly as before, brought back to the place and slaughtered. The rioters were frequently directed by the Police to disperse. I saw the prisoners Meer Evuz Ullee, Meer Jichoo, Syud Lootf Ullee, Syud Mustofabuksh and Syud Rujub Ullee direct the rioters to murder my master and to plunder and burn his house. I also saw the prisoner Eedoo set fire to the cow house, and the rioters assault, with missiles, the Hindoos who approached the fire. Next morning I recognized the partly consumed body of Moosummat Phoondun Dibia, she was about 30 years old, and had good health. Her death was occasioned solely by being burnt. I saw no plunder carried away; but I saw the rioters forcibly rush into my master's premises, and afterwards the remains of the metallic articles, which could not have been totally consumed by fire, were not to be found."

"The substance of the prosecutor's statement may be summed up in a few words, viz. that these prisoners have committed openly and in defiance of all public authority a predetermined riot, with an overwhelming force of armed Mahomedan followers, and the residence of a Hindoo Zumeendar; which they commenced with the slaughter of a cow, and defilement of the Hindoo's temple with its blood: which act was immediately followed up by forcible entry and destruction of household property: next by setting fire to a cow house during a violent and dry west

wind, which necessarily consumed the temple and greater part of the village, and then with assaulting and driving away the Hindoo inhabitants, to prevent their extinguishing the fire; and also with the murder of a Hindoo female, who was burnt to death in the fire."

"The prosecutor's statement has every appearance of being fairly and impartially made and is most fully borne out and proved by the evidence of the eye witnesses to the riot. Of these eye witnesses there were fourteen: their evidence it will be remarked, is so substantially the same as the statement by the prosecutor, that to give it place here would be mere repetition. It will suffice to state explicitly that, notwithstanding the cross questioning that each of them underwent, and the fact of their all being Hindoos and dependants of the prosecutor's master, or in some way connected with him, their evidence (with one exception) must be relied on, both with reference to all the circumstances detailed and with respect to the identification of the prisoners during the perpetration of the acts with which they are charged. The foregoing exception refers to the evidence of the eye witness Eedoo Doorgaram Mundul, who doubtless was present and witnessed the riot, but it cannot be depended on as respects the identity of the prisoners, for when he was desired to point out each prisoner individually whom he had recognized in the act, he repeatedly insisted that the whole of them were actual rioters, and then hastily repeated the same with reference to each prisoner."

"In consequence of the great interest and intense party feeling which the trial of this case necessarily created, it appeared requisite to obtain the aid of independant and impartial assessors. A Christian, a Mohumudan, and a Hindoo acted as such, viz. Mr. C. Mackay, Sudder Umeen, Moonshee Qoodrutoolla and Loharuna Moittur. The last assessor however was unable from severe illness, to attend after the first day, this trial which occupied the Court during 4½ days and consequently his opinion was not given. The two first assessors acquit the prisoners on the count of riot attended with arson and murder, but find them all guilty on the count of riot."

"The evidence to the act of setting fire to the cow house is as full as clear, and apparently as fair, as is possible to be given in any case. Notwithstanding that the riot was great, and that the witnesses had fled for shelter, they observed the act from a short distance, and in mid-day light, and most of them had previously known the prisoner Eedoo by whom it was perpetrated. In a second point of view, leaving the actual perpetrator out of the question that this crime of arson, which unfortunately occasioned the destruction of a human life, was actively participated in by many of the rioters, is proved by the fact of their driving away the Hindoos who endeavoured to approach the fire. Lastly, as there is no doubt that the act was committed during the riot, there being not a shadow of suspicion that the fire was accidental, or perpetrated by the Hindoos with the motive of falsely charging it to the prisoners, it must by violent presumption, be ascribed to the prisoners. I am totally at a loss therefore to surmise why the assessors should acquit the prisoners of the first count of riot, arson and murder, and convict them all of the riot."

"All the prisoners plead not guilty, although some of them in their defence admit that they were present at the place, and their witnesses, to prove the negative, declare that they saw them do no overt act. The remaining prisoners, more fool-

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ishly than them, plead alibis, which are not substantial, and appear generally to be accompanied with false evidence." The Session Judge concluded by recording his opinion of the guilt of the prisoners, and recommended their imprisonment for various lengthened periods. In the Nizamut Adawlut the ringleaders of the outrage were all convicted and sentenced each to imprisonment with hard labor in irons for 14 years.

384. The trials at the Sessions were regularly conducted by Mr. Wyatt, but the Court had occasion to notice some irregularities in the preparation of the periodical Session statements. The results already noticed in regard to the cases called for and appealed to this Court evince, in the opinion of the Court, a want of judgment and discrimination in apportioning punishment. The Court are generally satisfied with the manner in which the heavy Sessions duties in the month of September were conducted by Mr. Shaw.

CITY MOORSHEDABAD.

385. The Honorable R. Forbes was Magistrate of this District from the 1st January to the 13th March; when he was relieved by Mr. W. H. Elliott who remained in charge of the District till the close of the year.

386. At the close of the year 1836 there were 166 persons under examination, viz. 28 in jail, and 128 on bail, or personal recognizance; 1724 persons were apprehended, or summoned, during the year 1837; making a grand total of 1890. These persons were disposed of in the manner noted in the margin.* The Joint Magistrate of Monghier states that 50 persons were transferred to his District by the Magistrate of Moorshedabad, a circumstance which the latter has been requested to explain. He will at the same time be requested to explain the discrepancy between that number, and the entry of persons transferred, exhibited in his present statement.

* Acquitted,		797
Convicted,		875
Committed,		43
Died,		2
Escaped,		11
Transferred to other jurisdictions,		10
Remaining—		
In Jail,	63	150
On Bail,	87	
		1890

387. The statement in the margin* shews the number apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." Though the proportion of convictions to acquittals in heinous crimes shews a considerable improvement as compared with the preceding year, the Court cannot consider the result to be satisfactory. Nor does the statement shew a very favorable result in respect to petty offences, under which head 199 persons were punished for neglect of duty. The following extract from a letter addressed by the present Magistrate to the Session Judge shews a material improvement in this branch of the Magisterial duties since he assumed charge of the District, which the Court have noticed with pleasure. "With regard to the proportion of convictions in my Court to the number of persons seized, you will observe that it is very far larger in this than in former years. It has been my earnest endeavour to prevent the Police from seizing

* Heinous crimes,	203
Apprehended,	641
Acquitted,	324
Convicted,	222
Petty offences,	541
Apprehended,	1249
Acquitted,	475
Convicted,	653

any one without sufficient cause, and I trust that I have, during the last six months, in a great measure succeeded in suppressing this tyranny, which had reached a most lamentable extent. But notwithstanding every precaution, the aggregate of acquittals has been rather large in consequence of my having, by reason of the very strong suspicion resting on them, apprehended numbers, whom I have been compelled at length, though most reluctantly, to release. You will observe, however, by the marginal note, that during the nine months subsequent to my arrival, the convictions have been very nearly ten to one of the number in the previous three months, whilst the acquittals in these nine have not exceeded by one-third the number in those three;" 68 persons were discharged in consequence of Razeenamehs being filed and 5 of non-attendance of prosecutors.

In the first three months.
Acquitted, ... 346
Convicted, ... 80
In the last nine months.
Acquitted, ... 453
Convicted, ... 795

388. The number of persons under examination at the close of the year 1837 is noted in the margin.* The number is very large, partly consisting however of 37 persons charged with dakoity.

* In Jail,..... 63
On bail, ... 87
150

389. No cases were pending in this District under Regulation XV. of 1824.

390. No less than 101 persons were in confinement at the close of the year in default of security for good conduct. The circumstance of so great an increase in this class of prisoners has attracted the attention of the Court on examining the monthly statements, and an explanation thereof has been called for from the local officers.*

* This explanation has been since received, and is considered satisfactory.

391. The number of appeals preferred from the decisions of the Magistrate in Criminal trials, and also in miscellaneous cases, is noted in the margin.* The result is considered satisfactory.

* Criminal Trial.
Pending on 1st January 1837, ... 1
Preferred in 1837, ... 75
76

Confirmed, ... 51
Modified or reversed,... 17
Pending, ... 8
76

Miscellaneous Cases.
Pending in 1836,..... 7
Preferred in 1837, ... 16
23

Confirmed, ... 11
Modified or reversed,... 7
Struck off, ... 1
Pending, ... 4
23

392. The criminal business actually pending in this District on the 31st December last is noted in the margin.* The arrear of business is considered large.

* Heinous crimes, ... 83
Petty offences, ... 113
Appeals, ... 6
Proceedings from other Districts, ... 3
Miscellaneous cases of every description, ... 210
365

Sessions Court.

393. Mr. G. P. Leycester was in charge of the current duties of the office of Judge from 1st January to 10th February—when he was relieved by Mr. F. W. Russell, the Judge of the District. Mr. Russell held the appointment to the close of the year.

394. At the close of the year 1836, there were 8 persons under trial before the Sessions Court, 42 persons were committed during the year 1837, making a grand total of 50, and the prisoners were disposed of in the manner noted in the margin.* The proportion of acquittals is large but it is remarked by the present Magistrate, Mr. Elliott—"On the annual statement No. 1, I beg to remark that of the 42 persons made over to the Sessions Court only two of the 15 acquitted were committed by me, the others having been acquitted before my arrival in this District."

* Acquitted,	15
Convicted,	29
Referred to Nizamut Adawlut,	2
Died,	1
Escaped,	1
Pending,	2
Total,	50

395. Three cases, including 6 prisoners, were called for at the English sitting or by precept on appeal. The sentences passed upon 2 of the prisoners were annulled; those of 3 others were enhanced, and the case of 1 prisoner remained undisposed of, at the close of the year. In 2 cases decided by the Session Judge, in which the prisoners were convicted, orders were passed by the Court at the English sittings for their acquittal and release, the evidence being considered under the explanation of the Judge, insufficient for conviction. In two other cases the sentences passed by the Session Judge were mitigated.

396. No persons were under reference to the Nizamut Adawlut at the close of the year 1836 from the District of Moorshedabad; 2 were referred during the year 1837, 1 was acquitted, the case of the other was pending at the close of the year.

397. The following is an abstract of the sentences passed on the prisoners convicted in this District during the year 1837:

By the Nizamut Adawlut.

None.

By the Session Judge.

Imprisonment 14 years and upwards,	4
Imprisonment from 7 to 14 years,	7
Imprisonment from 3 to 7 years,	6
Imprisonment from 1 to 3 years,	11
Less than 1 year,	1
Total,	29

By the Magistrate and his Assistants.

From 6 months to 3 years,	86
Less than 6 months,	406
Fined,	318
Required to give Security,	65
Total,	875

GENERAL REMARKS.

398. Though the Court observe some improvement in the state of this District since the period that Mr. Elliott has been in charge of it, they consider that much yet remains to be done to bring the Police, and the general administration of justice into a really efficient condition. Much has been effected by Mr. Elliott in diminishing the number of unnecessary apprehensions: but crimes of a heinous nature still extensively prevail. There have been no less than 33 cases of the nature of dakoity, in the whole of which there have been only 11 persons committed to take their trial before the Sessions Court. On this subject and that of the general state of the District, Mr. Elliott has the following remarks:

Half yearly statement No. 18.

"In the matter of dacoities this six-monthly statement presents a lamentable appearance, the number of crimes ascertained is 20, the supposed number of men concerned 207, and of these seized 70; 8 of whom have up to the present time been committed to the Sessions Court, 1 admitted as a witness, 34 released, and 27 are still under examination, the greater part of whom will, I trust, be convicted. Of the 34 released, 17 have been altogether acquitted, and 17 have been required to furnish security for good conduct, in default of which they are still in jail."

"The peculiar nature and the frequency of this crime in this district, with the small success which has hitherto attended my efforts to prosecute the offenders to conviction, are points on which I beg to submit a few remarks. I hope I may safely say that one reason of the excessive number of dacoities reported during the last six months is that the custom of concealing the occurrence of this crime is gradually becoming rare.—I do my best to induce the Darogas to report and the sufferers to come forward, and I also endeavour to obtain such credible information privately as may compel the Police, from fear of its reaching me through other channels, to send me every requisite intelligence. One or two cases have occurred in which I have been enabled to detect crimes at first concealed, and the punishment awarded to the Police concerned appears to have had to me salutary effect, but the practice of concealment is so deeply rooted by long custom that it cannot be quickly eradicated. It is to be remembered also that if this crime be more frequent here than in other Zillahs, there is not a Zillah the extent and population of which afford such facilities for its perpetration, whilst it is devoutly to be hoped that none can be found which has been so long and so greatly neglected."

NOTE.—The total value of property plundered is rupees 7,837, of which 5,205 was in one dacoitee and 1,296 in a second, leaving but a small amount as the average of the other 18. In one of these cases entered as dacoitee only 3 men were concerned and 3 rupees worth of property stolen; in another 5 men and about 50 rupees worth of property, and so also in one or two other cases.

"You will observe that the average number of men concerned in each dacoitee here, as compared with that usually engaged in other Districts is very small, the amount of property plundered is not often large, and in no single instance have I seen this crime attended with any aggravating circumstances, unless a slight scratch on the head from a sword, which one man suffered can be so called."

"The dacoits do not appear to be men of any daring, or associated in large clans, as elsewhere, but seem to consist generally of a few persons, specially protected by a Zemeendar and on good terms with the Police, who, by reason of

such protection and friendship, knowing that no endeavours will be made to ensure their punishment, and no effort spared for their acquittal, find theft a far more ready means of livelihood than labour, and consequently adopt it as such without fear. One crime after another is committed with impunity, the sufferer will not prosecute, or the Police will not report, or the case is ruined by intrigue, and men of the most lawless character pass off as honest and true. Amongst the 70 men apprehended by me I have considerable doubts regarding the culpability of 14 of those I have released; of the guilt of the remaining 56 I cannot entertain a moment's doubt, every one, I most firmly believe was concerned in the case in which he was seized, and most of them in previous cases. But such is the miserable state of the Police that every hope of conviction is sometimes lost in the imperfection of the Mofussil investigation, and in most cases a Mookhtear on the part of the Zemeendar or some friends of the dependants comes in with them to instruct their witnesses and to ensure their acquittal. Other cases occur in which the perpetrators of the dacoitee are well known, but not a man dare come forward to speak against them from fear of the vengeance of their protectors. Two cases of this kind have been brought very prominently to my notice, in the one I could find no grounds for seizing any one; in the other I apprehended four men, but was obliged, by the witnesses (the chief of whom was the prosecutor's son) denying before me every word they had said in the Mofussil, to release them. One case of a most peculiar nature may serve to give some idea of the extent to which the dread of offending a Zemeendar causes the escape of criminals. A dacoitee was committed, and property to the value of 47 rupees 2, plundered from the house of one Baluo Ram Nundee. He gave information at the Thannah, together with a list of the property stolen, but said that he suspected no one, and had no wish to prosecute. No trace of the offenders was then to be obtained but shortly afterwards two men were seized in another case, who confessed to that dacoitee and dug up part of the property worth about rupees 25, the items exactly agreeing in kind, weight and value, with many of those specified in the original list; they are shewn to the owner in the Mofussil, and again before me, when he declared that they were not his, and that he could not suspect the prisoners. To have my best endeavours thus incessantly baffled by those who ought to be the foremost in lending their aid is not a little disheartening; but I still hope that by taking every opportunity of visiting the Mofussil, and making myself thoroughly acquainted with the people, and them with my anxiety for their welfare; I may in the course of another year succeed in gaining the confidence of the more respectable amongst the poorer classes."

"The chief nursery ground of dacoits seems to be in the houses of the Nizamut family and of many wealthy Zemeendars, who, requiring a large retinue, pay but few men, and allow the relations and friends of such servants to live in their houses, being nominally in their service and often actually doing their work, but finding their own livelihood as best they can. On such men no poor native dare cast a stigma—house searching (if resorted to, which it rarely can be) proves useless, and thus no trace of the culprits or the lost property is to be found."

"Another cause of my inability to recover stolen property is, that I can hear of but very few receivers of such amongst the poorer classes, men of great wealth and extensively engaged in trade are those who most frequently carry on this

mean and iniquitous traffic. I have searched the houses of one or two of the most notorious men of this description, but as might be expected, without being able to prove any thing against them. Quantities of silver and brass utensils are found and ornaments also, but the man answers—" I am wealthy, I have a large family and numerous friends, and keep grand festivals, all these things are necessary." I am forced to admit that he is quite rich enough to possess such property; he claims it, and no one dares to oppose his title, and though I may believe it to be stolen, I cannot gainsay his answer, allowing that any poor man should have the boldness to come forward, he might produce as evidence on his behalf the two or three relations actually able to swear to the property; but these the rich man would instantly overwhelm with twenty false witnesses from amongst his servants, his accomplices or the friends constantly attending his house, I am at present quite at a loss in what way to treat these men. I do not see how the law can touch them."

" The next obstacle to my every exertion, to which I have to solicit your attention, is the materials of which my Police are composed. I am compelled by circumstances to retain as Police Officers some men whom I firmly believe to be in league with dacoits, I have Darogahs, who have over and over again been discharged, and in whom I cannot place the slightest confidence, but against whom no specific charge can be made good. As Magistrate on the spot I hear and see innumerable reports and defects of which I am perfectly convinced, but to prove which I cannot adduce the testimony of witnesses, whilst no one will come forward as prosecutor, and the private information received by me is almost entirely derived from natives of the more respectable classes, whose names I could not mention without at once closing my best sources of intelligence. You may imagine what my Police are, when I assure you that in the 37 Thannahs under me, I found on my arrival in the District but three decent Darogahs, all the others, whether from incapacity or bad character, I considered utterly undeserving of confidence. Some of the worst I have discharged but several still remain; and I have been able to find only three new men who appear efficient and tolerably trustworthy to fill up the vacancies. In other Thannahs I have been compelled to re-appoint the best I could select from amongst those formerly discharged. So bad is the name of the Mofussil and Hazooree Amlah at this place, and so much is the climate feared that I cannot tempt respectable men to accept appointments here far better than those they hold elsewhere."

" I beg to revert to what I said in my last report, dated August 15th 1837, that it does appear to me highly desirable, in a District so notoriously out of order as this is, to allow a full complement of covenanted officers. There were always five and sometimes I believe six, at the date of my last report there were four, and I earnestly begged for the appointment of another Assistant; but instead of receiving the extra aid for which I had hoped, and which I feel sure justice to the population of this extensive zillah loudly demands, my very able Assistant, Mr. J. J. Ward, (who from his long acquaintance with the District as well as his talents was eminently calculated to be useful here) has been removed, and, to my astonishment, no other has yet been sent to supply his place, the Officiating Joint Magistrate and Deputy Collector is almost entirely engaged in collectoree duties and I am thus left alone to do the work which two and a half officers were confessedly unable

efficiently to perform. I would beg you to consider that besides the very extensive City of Moorshedabad nearly 20 miles long, containing 18 Thannahs, I have 19 Muffussil Thannahs, which alone is a greater number, I imagine, than any other zillah in India, and some of which are calculated to contain each above 300 square miles. To hear the reports and petitions daily flowing in from such a district is of itself no little labour, and I cannot think that the zillah will ever be brought into the order in which I desire to see it, till the Magistrate shall receive such ample assistance as will enable him to make over to his subordinates all but the most serious and important cases, and to confine his own labours to them, to the reports, petitions, and general superintendence of the Police, constantly visiting every Thannah, and making himself thoroughly acquainted with the state, character and wants of the Police and the people. Having so little assistance at the Sudder station I have of course been unable to carry into execution the plan proposed in my last report of spending the whole of the cold weather in the Mofussil, which has caused me great regret. To-morrow however, I intend to commence a tour which will I hope extend to six weeks."

"But although I have not as yet received the assistance I require, I am emboldened to hope that, on my now again pointing out the state of the zillah, ample aid will be afforded me and were two able Joint Magistrates or Assistants with Joint Magistrates' powers appointed, I feel sure that the state of the District would in the course of a year be greatly changed for the better. I am also very anxious to be authorized to appoint three Superintendent Darogahs on a salary of about 60 rupees a month, which might be increased on proof of good conduct after a year's trial, to 75. This would tempt respectable men to serve, and I have derived so much benefit from the services of one Darogah whom I have sent here and there in some special cases that I am led to hope this plan would work well, being quite unconnected with any particular place or parties and rarely for above a week in any one spot, these men would not be subject to the temptation, which so frequently cause the transmission of one-sided reports by the common Darogahs."

"I submit these remarks with great deference, and trust that you will not regard them as murmurs. I am most anxious to do all that lies in my power, and have not the slightest desire to draw back from hard work, but I see that the more the work is looked into the more arises and the more, for sometime to come, will arise; and I therefore think that I should be wanting in my duty to the people committed to my charge, were I not to point out in the plainest manner the lamentable state in which they are and long have been and the necessity of incurring some little expense on their behalf. Extra expense indeed is not required, but merely the filling up of the appointments now vacant, a Joint Magistracy and an Assistantship, for till the beginning of 1837 there were five Officers and there are now only three, and if Civilians are actually not to be found, there must, I should think, be many ready able Military Officers, who would be rejoiced, for a slight increase of pay, to undertake the duties of these appointments."

399. The foregoing extracts shew that the Police of the District of Moorshedabad is in a very inefficient state: the Court however observe with pleasure the zealous endeavours of Mr. Elliott to render it more useful and to place it on a

condition better calculated to answer the primary objects contemplated in the establishment and maintenance of a body of Police. In so large and so populous a District as Moorshedabad the Court are of opinion that the Magistrate should never be left without one or even two able and experienced Assistants, vested with the powers of Joint Magistrates. With regard to the proposed measures for increasing the efficiency of his Police, as stated in the 10th paragraph of his letter to the Session Judge above quoted, the Court observe that the Magistrate should communicate with the Superintendent of Police. In like manner should the Judge communicate with the Revenue authorities regarding the want of copper coin, and its depreciation and defaced state, should he consider such to be a fertile source of crime, to be obviated by the introduction into the District of a quantity of the new copper coin.

400. The Court observe with satisfaction the testimony borne by the Session Judge to the efficient manner in which the Principal Sudder Ameens have discharged their criminal duties.

401. The duties of the Session Court were diligently attended to by Mr. Russell, the Court however had occasion to notice some irregularities, in the preparation of his monthly Session Statements.

ZILLAH PURNEAH.

Magistrate's Court.

402. Messrs. W. J. Trotter and F. E. Read were successively in charge of the district, during the year 1837; the former from the 5th January to the 21st August, and the latter for the remainder of the year.

* Acquitted,		774
Convicted,		892
Committed,		231
Died,		2
Under trial—		
In Jail,	7	39
On Bail,	32	
		1938

403. At the close of 1836, there were 81 persons under examination, (viz. 33 persons in jail and 48 on bail) which, with 1857 summoned or apprehended during the year, makes 1938 persons under trial before the Magistrate and his subordinates. These persons were disposed of in the manner indicated in the margin.*

* Heinous crimes,	567
Apprehended,	742
Convicted,	235
Acquitted,	267
Petty offences,	574
Apprehended,	1196
Convicted,	657
Acquitted,	507

404. The statement in the margin* shews the number of persons apprehended, convicted, and acquitted by the Magistrate and his Assistants in heinous crimes and in petty offences. The proportion of convictions to acquittals, (exclusive of commitments,) was as 20 to 18⅓ in 1836: in the last year it was as 20 to 17¼. Though there is obviously room for improvement, yet the returns are not altogether unsatisfactory. The Court observe, that 173 persons were punished for neglect of duty, and that 49 persons were discharged by compromises between the parties.

* In Jail,	7
On Bail,	32
	39

405. The number of persons in jail or on bail, is noted in the margin,* and calls for no remark.

406. There were no cases under Regulation XV. 1824.

407. Thirty-one persons were in confinement on the 31st December 1837, on default of security for good conduct. The statement No. 16 does not state the grounds on which the Magistrate ordered the detention of these persons.

408. The number of appeals preferred from the orders of the Magistrate in criminal trials and miscellaneous cases, and the manner in which the appeals were disposed of, are shewn in the marginal statement.* No particular remark is required.

* APPEALS.

Criminal Trials.		
Preferred,		35
Confirmed	15	
Modified or reversed,	11	
Pending,	9	
		35
Miscellaneous Cases.		
Preferred,		6
Confirmed,	3	
Modified or reversed,	2	
Transferred to the Session Judge,	1	
		6

409. The criminal business actually pending in the Magistrate's Court, on the 31st December last, is noted in the margin.* This return is considered satisfactory.

* Heinous offences,	4
Petty offences,	8
Appeals,	12
Proceedings from other Districts,	6
Miscellaneous cases,	140
	170

410. Mr. W. A. Pringle was Session Judge of the district from the 26th January to the 9th October last. He devoted 120 days to Sessions duties and criminal appeals.

411. On the 1st January 1837 there were 6 prisoners under trial; and during the year 231 prisoners were committed, and 3 sent back by the Nizamut Adawlut, making in the aggregate 240 persons under trial in the Sessions Court. These prisoners were disposed of in the manner shewn in the margin.*

* Acquitted,	38
Convicted,	125
Referred to the Nizamut Adawlut,	6
Died,	2
Under trial,	69
	240

412. Four cases, (including 7 prisoners) were called for on revision of the jail delivery statements at the English sittings, or by precept on appeal, and one case called for in the preceding year was pending on the 1st January 1838. The orders of the Session Judge were confirmed in one case, and modified by enhancement of the sentences in two others. The remaining two cases were not disposed of at the end of the year.

413. The cases of 6 prisoners were referred to the Nizamut Adawlut during the year, and 11 prisoners were under trial at the end of 1836, of these 10 were convicted, and 6 acquitted, one of them by reason of insanity, and one was a case returned to the Judge in 1836 for further explanation, and received back in 1837.

414. The following is an abstract of the sentences passed on the prisoners, convicted in the district of Purneah during the year 1837:

By the Nizamut Adawlut.

Imprisonment for life,	4
For 14 years,	4
	8

By the Session Judge.

For 14 years and upwards,	10
For 7 years and less than 14,	49
For 3 years and less than 7,	13
For 1 year and less than 3,	51
Less than a year....	2
	125

By the Magistrate and his Assistants.

For 6 months and not exceeding 3 years,	169
Less than 6 months,	198
Fined,	500
Required to furnish security,	25
	892

GENERAL REMARKS.

* Para. 16 or (165.)

415. Reference was made in the Report for 1836* to charges against the Umlah, of tampering with parties out of Court, and suppressing proofs of crime. A report was received from Mr. Pringle on this subject under date the 15th July. It appears that the charges referred more to the Moofussil Police than to the Umlah of the Magistrate's Court. The latter however were not wholly free from blame. One Seerishtehdar was convicted by Mr. Nisbet, when Session Judge of the district, but acquitted by the Nizamut Adawlut for want of proof. His successor was equally exceptionable, and was dismissed by Mr. Trotter, for want of sufficient evidence to warrant his committal to the Sessions.

416. But as regards the Moofussil Police, the Court find that two persons, who were successively in charge of a Thanna, have been convicted of having received bribes, to suppress the proofs of a murder. Hurpaul Sing, the person who was Darogah when the crime was perpetrated, on receiving information of the murder, went to the spot, but having received a large bribe from the murderers, he and they united in intimidating the witnesses, and while the former forwarded a report to the Magistrate that would necessarily lead to the discharge of the murderers, the latter, to silence the wife and brothers of the deceased, kept them in confinement at home, holding out to them, at the same time, promises of a grant of land. On obtaining their discharge, the murderers returned home, and released their prisoners, but without making good their promises. On this the elder brother of the deceased lodged a complaint with the Magistrate; an order was issued for a second local investigation, and the complainant was sent to the spot to prove his case. Another person, Shaikh Fuqueer Ally, was Darogah at this time; but nearly the same course was pursued over again. The elder brother was kept in confinement, the younger brother and some other witnesses were sent in, with a report from the Darogah, that the elder brother had absconded, and that he had placed the prisoners

on security, there being no proof against them. The Magistrate's suspicions were excited; he deputed another Darogah to investigate the case, when the real facts were elicited, and the murderers with the two Darogahs, and some others, were committed and convicted.

417. Other instances of chicanery on the part of the Darogahs are referred to by the local authorities, but regarding these, the Court have no definite information before them.

418. But it was not alone against the malpractices of the officials of the Police, that the Magistrate of the district have had to contend, the Fouzdaree Court was infested by certain Mookhtears, whose sole business seems to have consisted in fomenting quarrels, in extorting money by false complaints, and in furnishing the guilty with the means of evading the punishment of their crimes, and who carried on their practices with the aid of a band of professional witnesses ready and willing to swear to any thing which might serve the interests of their principals. These persons have fortunately been arrested in their course, having been convicted by the Session Judge of perjury and subornation, and punished by public exposure and imprisonment for five years with labor and irons. "I never have met, (observes Mr. Pringle,) so clear a case of conspiracy and perjury as this; or such a nest of unprincipled rogues; and I am only astonished, at their carrying on their malpractices so long with impunity. I examined on the first trial, no less than twelves cases, containing hardly any thing else; and I have since met with more. Their detection and punishment is looked upon, by all respectable people as a great public benefit, and now that their misdeeds are openly discussed, they are described as perfect pests, from whom no person was safe; and it is only fortunate, that their ability fell so far short of their readiness, to do mischief." The Court trust, that the conviction and punishment of these parties, will have a salutary effect in preventing the recurrence of such practices.

419. The Court regret to observe, the frequency of crimes, involving the loss of life in this district, during the year under review. The Magistrate's statements exhibit the occurrence of 21 murders, and 3 cases of homicide not amounting to murder, and also one case of dakoitee attended with murder. On the other hand it speaks well for the activity of the Police, that the majority of the perpetrators were apprehended and committed for trial. From the result of the trials it would appear, that in most of the cases of murder, the convictions were for culpable homicide, violent assaults, and affray.

420. Occasional irregularities were noticed in the Session Judge's statement, but the Court are satisfied with Mr. Pringle's manner of conducting the business of his Court generally; and they observe with pleasure the cordiality which existed between the Session Judge and the Magistrate in the discharge of their respective duties, and which was prominently brought to the notice of Government in their resolutions on the state of the district of Purneah, during the first six months of the year 1837.

RAJSHAYE AND PUBNA.

421. Mr. W. M. Dirom officiated as Magistrate of this district from 1st January to 28th February, when he was relieved by Mr. Heyland from whom he again took charge of the office on the 24th May and continued to officiate as Magistrate to the close of the year.

* Acquitted,.....		543
Convicted,.....		888
Committed, ...		57
Died in jail, ...		3
Transferred to other jurisdictions, ...		10
Under trial—		
In Jail,.....	0	19
On Bail, ...	19	
Total,...		1520

422. At the close of the year 1836 there were 32 persons under trial, viz. 1 in jail and 31 on bail or personal recognizance, 1488 persons were apprehended or summoned in 1837, making a total of 1520. These persons were disposed of in the manner noted in the margin.*

* Heinous crimes,.....		269
Apprehended, ...	224	
Convicted,...	84	
Acquitted,...	88	
Petty offences,.....		329
Apprehended, ...	1296	
Convicted,...	804	
Acquitted,...	455	

423. The statement given in the margin* shews the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." The number of acquittals in the latter is very little above one-third of the number summoned. In the former, if the number of commitments be taken into consideration the results are satisfactory.

424. Of the convictions for petty offences there are 226 for neglect of duty, and no less than 120 for contempt of Court, with which offence 187 persons were charged. The Session Judge will be requested to report the nature of these offences, which appear to be very unusually common in Rajshaye, 55 persons were discharged in consequence of Razeenamahs being filed and 8 from the non-attendance of prosecutors.

425. There were 19 persons on bail under trial at the close of the year, and none in jail, a circumstance considered very creditable to the Officiating Magistrate Mr. Dirom.

426. One case was pending in this district on the 31st December last under the provisions of Regulation XV. 1824.

427. Nine prisoners were confined in default of security for good conduct on the same date.

* Appeals.		
Criminal Trials,.....		50
Confirmed, ...	42	
Reversed or modified, ...	7	
Pending, ...	1	
Miscellaneous Cases.		50
Appeals preferred,.....		16
Confirmed, ...	11	
Reversed or modified, ...	2	
Pending, ...	3	
		16

428. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate of Rajshaye, in regular and miscellaneous cases, and the result thereof, is noted in the margin.* The result is extremely creditable both to Mr. Dirom and Mr. Graham, the Magistrate and Joint Magistrate of the district. The whole of the cases were appealed, none having been called for on a review of the monthly statements.

429. The Session Judge Mr. Barlow remarks as follows in regard to the quantity of business disposed of during the year, and still pending at its

close. "The abstract of business disposed of during the year, as shewn on the back of statement No. 1, and of that pending on the 31st of December, exhibits great diligence and is very creditable to the authorities, considering the Revenue and Magisterial offices are still united. It will be seen that 2,110 applications and petitions have been disposed of by the officers, whose names, with the dates of their assuming charge of their respective duties, are herewith annexed, and a small arrear of 85 still pending is all that remains at the close of the year." The Court gather from the statements that the quantity of business pending on the 31st December last, could not have been considerable, but the Session Judge has not forwarded the usual statement, an omission which he will be requested to supply.

Joint Magistracy of Pubna.

430. Mr. J. J. Torrens was in charge of the Joint Magistracy from the beginning of the year to the 2d October, Mr. G. U. Yule, from that date to the 9th of November, and Mr. W. J. Allen from the latter date to the end of the year.

431. At the close of the year 1836 there were 221 persons under trial, viz. 73 in jail and 148 on bail or personal recognizance, 2202 persons were apprehended or summoned during the year, making a grand total of 2,423. These persons were disposed of in the manner noted in the margin.*

* Acquitted,.....		1002
Convicted,.....		1213
Committed, ...		119
Died in jail, ...		2
Transferred to other jurisdictions,.....		3
Remaining under trial—		
In Jail,.....	13	84
On Bail, ...	71	
		2423

432. The statement given in the margin* shews the number of persons apprehended, convicted and acquitted, in "heinous crimes" as well as in "petty offences." Of the convictions under the last head there are 230 for neglect of duty. There were 95 persons charged with suspicion of various crimes of whom 20 were punished. The circumstance of the illegality of punishing persons merely on suspicion renders it necessary that a particular report should be submitted on the nature of these cases. The Session Judge will accordingly be requested to call for an explanation of them: and forward the same to this Court with an expression of his own opinion as to its sufficiency or otherwise. The Court do not consider the results of the statements in regard to the heinous crimes to be at all satisfactory, not one-third of the persons apprehended were convicted by the Magistrate: and although a number of persons were committed for trial, the large proportion of acquittals (which will be noticed below) puts it out of the power of the Court to think more favorably of the Joint Magistrate's proceedings in this respect. From the following note of the present Magistrate, Mr. Allen, appended to his statement No. 1, the Court observe that he is aware of the necessity of paying particular attention to this branch of his duties, and trust to see a marked improvement during the course of the current year. "The acquittals may perhaps be considered to bear a too large proportion to the convictions, and I confess I am at a loss to give any explanation, which would be satisfactory, as I only received charge of the office on the 9th November last. Every care shall be taken in future to summon into the Sudder Station those offenders only against whom evidence sufficient has been adduced to warrant a very strong presumption of their guilt."

* Heinous crimes,.....		164
Apprehended, ...	544	
Convicted,..	193	
Acquitted,..	257	
Petty offences,.....		673
Apprehended, ...	1879	
Convicted,..	1040	
Acquitted,..	745	

433. The Court observe that 3 persons were in jail at the close of the year on charges of having preferred false complaints, and 2 for neglect of duty. The

confinement of persons on charges of a bailable nature is highly irregular, and the Session Judge should have called for, and revised the proceedings in these cases on the receipt of the statements, 20 persons were released in consequence of the absence of prosecutors, and 56 of Razeenamahs being filed.

434. The number of persons in jail or on bail, on the 31st December last, is noted in the margin.* The Court observe with satisfaction the improvement in this respect, the number under examination at the close of the year 1836 having been no less than 221, viz. 73 in jail and 148 on bail.

* In Jail, ...	13
On Bail, ...	71
	84

435. Six cases instituted under Regulation XV. 1824 were pending in this district at the close of the year. Two of them had been pending upwards of 6 months, but the Joint Magistrate reports that they have since been decided.

436. Thirty-three persons were confined in default of security for good conduct on the 31st December 1837. The number is large; and the Court observe that no less than 57 persons were imprisoned during the year in default of security for good conduct. The cases of 5 were revised by the Session Judge: and in every instance the order of the Joint Magistrate was reversed. The Court trust that Mr. Allen will exercise the greatest caution in putting persons into jail in the absence of convictions for specific offences.

437. The number of appeals preferred from the decisions of the Joint Magistrate and Head Assistant, vested with the powers of Joint Magistrate in criminal trials, is noted in the margin.* The result is by no means satisfactory.

* Joint Magistrate.		
Appeals preferred, ...		72
Confirmed, ...	41	
Reversed or modified, ...	26	
Pending, ...	5	
		72
Head Assistant.		
Appeals preferred, ...		13
Confirmed, ...	5	
Reversed or modified, ...	6	
Pending, ...	2	
		13

438. The criminal business actually pending in this Joint Magistracy on the 31st December last is noted in the margin.* The quantity is very considerable and requires the unremitting attention of the Joint Magistrate and his Assistant.

* Heinous crimes, ...	12
Petty offences, ...	37
Appeals, ...	22
Miscellaneous cases, ...	830
	901

Sessions Court.

439. Mr. A. C. Heyland officiated as Session Judge of the district of Rajshaye from the 1st January to the 28th February, when Mr. Barlow rejoined his appointment, and continued in it to the end of the year. The number of days occupied in the Sessions Court was 86.

440. At the close of the year 1836 there were 3 persons under trial on commitment by the Magistrate of Rajshaye and 54 were committed in the course of the year, making a total of 57. These persons were disposed of as noted in the margin.* Besides the above, 3 persons were committed by the Civil Judge to take their trial before the Commissioner for perjury and subornation of perjury. One was acquitted and two were convicted and sentenced by the Nizamut Adawlut. The Session Judge observes—"The statement of acquittals and convictions before the Sessions

* Acquitted, ...	17
Convicted, ...	37
Referred to the Nizamut Adawlut, ...	3
	57

shews more than two-thirds of the individuals committed by the Magistrate were sentenced and speaks very favorably for his judgment and discretion." The Court however think the proportion of acquittals to be large.

441. The number of persons under trial at the close of the year 1836 on commitment by the Joint Magistrate of Pubna was 41, and 119 persons were committed during the year, making a total of 160. These persons were disposed of in the manner noted in the margin.* The result of the trials evinces a want of discrimination and judgment on the part of the committing Magistrate: and the Court observe that during the year they had occasion to notice some commitments which were made on insufficient grounds.

* Acquitted, ...	61
Convicted, ...	28
Referred to the Nizamut Adawlut,.....	20
Pending, ...	51
Total,...	160

442. The Court consider that the following case tried by the Session Judge at the Sessions for the month of July, together with the Judge's remarks, should be brought to the notice of Government.

Aien Uddin Mohurrir charged with bribery and corruption.

"The prisoner Aien Uddin is convicted on the evidence of eye witnesses of bribery and oppression. He is a Mohurrir on the part of the Assistant to the General Superintendant for the Suppression of Thuggee, and was deputed with sundry Sibundies and some Thug approvers for the apprehension of certain persons amounting to 96 implicated by the said approvers; under this plea he caused the houses of numerous individuals examined for the prosecution whose names are not included in the list with which he was furnished to be forcibly entered by night, seized them, carried them off to the Thannah, and after compromising with them for their release, discharged them without further reference to his immediate superior. The conduct of the whole party deputed has been most oppressive and illegal, and would perhaps have borne out the Joint Magistrate in committing them on a more serious charge. The prisoner Aien Uddin was formerly a Darogah and cannot plead ignorance in excuse for his infamous conduct. He is sentenced to five (5) years consolidated punishment without irons or labor."

443. The number of trials called for at the English sittings was two. In one case the sentence of the Session Judge was confirmed. In the other in which there were five prisoners the sentence passed upon four of them in the lower Court was enhanced.

444. The number of appeals preferred from the orders of the Session Judge pending at the close of 1836 was two and one was preferred during the year 1837. The three cases were disposed of as noted in the margin.*

* Confirmed, ...	2
Modified,.....	1
	3

445. No prisoners were under reference from Rajshaye to this Court at the close of the year 1836. The number referred in 1837 was 25, and they were disposed of as noted in the margin.*

Nizamut Adawlut.

* Acquitted on the ground of insanity, ...	2
Convicted, ...	23
	25

446. The following is an abstract of the sentences passed on the prisoners convicted in this district, including the Joint Magistracy of Pubna, during the year 1837:

By the Nizamut Adawlut.

Death,	1
Imprisonment for life,	1
14 years' imprisonment,	7
7 years' imprisonment,	2
Exceeding 3 years and below 7,	5
Above 1 year and not exceeding 3 years,	5
Not exceeding 1 year,	2
	23

By the Session Judge.

7 years and not exceeding 14 years,	37
3 years and not exceeding 7 years,	12
1 year and not exceeding 3 years,	14
Less than 1 year,	2
	65

By the Magistrate of Rajshaye.

6 months and not exceeding 3 years,	80
Less than 6 months,	190
Fined,	604
Required to give security,	14
Total, ...	888

By the Joint Magistrate of Pubna.

6 months and not exceeding 3 years,	141
Less than 6 months,	601
Fined,	401
Corporal punishment,	2
Required to furnish security,	*49
Dismissed from office,	19
	1213

* The statement of security prisoners shews 57 under this head.

GENERAL REMARKS.

447. The Court had occasion to express in the report for 1836 their opinion that the state of the district of Rajshaye and Pubna was by no means satisfactory: and that the officers entrusted with the charge of the Magisterial, should be entirely

relieved from fiscal duties. This opinion the Court see no reason to change, though there has been a partial improvement in the district of Rajshaye in regard to the caution exercised by the officers of the district in the summoning and apprehension of accused persons, the Court regret to observe that much crime exists, of which the perpetrators are not discovered and brought to justice. There were no less than 22 offences of the nature of dakoitee, one of them attended with torture and three with wounding. In these more serious instances not a man was apprehended, nor also in six cases of attempts to commit gang robbery. It is gratifying however to observe that in so extensive a district as Rajshaye, not a single instance of affray of any description has occurred during the year.

448. The necessity for a separation of the Magisterial from the Revenue duties is even more obvious in regard to the Joint Magistracy of Pubna, in which crime is extremely prevalent. The statements shew 7 cases of murder, 1 of homicide; 10 of dakoitee, and 4 of affray, one of them attended with the loss of life (besides offences very numerous of minor description) a very large list of serious offences when considered with reference to the extent of country under the jurisdiction of the Joint Magistrate. The Court have had occasion to notice the prevalence of crime, especially of the nature of affrays, in this district on various occasions, and in order to enable the Magistrate to carry into effect measures tending to promote the efficiency of the Police, and the prevention of outrages of the nature alluded to, as well to dispose promptly of the business brought before him, they consider that the whole of his time ought to be devoted to criminal matters.

449. The Court have had every reason to be satisfied with the manner in which Mr. Barlow conducted the duties of the Sessions Court during the period under review. The trials were regularly conducted, the statements and references well prepared, and the business of the Magistrate's Court efficiently controlled by that officer.

ZILLAH RUNGPORE.

450. Mr. H. F. James was Magistrate of this district from the 1st January to 5th April when he was succeeded by Mr. H. C. Metcalfe who discharged the duties of the Magistracy to the close of the year.

451. At the close of the year 1836 there were 35 persons under trial, viz. 12 in jail and 23 on bail or personal recognizance, 2159 persons were apprehended or summoned during the year 1837, making a grand total of 2194: and these persons were disposed of in the manner noted in the margin.*

* Acquitted,.....	288
Convicted,.....	1797
Committed to the Sessions, ...	101
Escaped, ...	2
Remaining under trial— In Jail, ... 0; On Bail,..... 6	6
	2194

452. The statement given in the margin* shews the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." The number of persons punished for neglect of duty was 195. The

* Heinous crimes,.....	350
Apprehended,..... 579	
Convicted, ... 383	
Acquitted, ... 109	
Petty offences,.....	875
Apprehended, ... 1615	
Convicted,... 1414	
Acquitted,... 179	

proportion of acquittals to convictions is very satisfactory and creditable to the Magistrate, and the following remarks from the Session Judge's report have the Court's entire concurrence. "The proportion of acquittals to convictions in "heinous crimes" is very satisfactory, and Mr. Metcalfe, in his letters Nos. 118 and 120 dated 18th July and 5th August 1837 respectively, attributes the very great disproportion that acquittals bear to convictions in "petty offences" to a due exercise of patience and judgment in the earlier stages of all investigations before him, and in not summoning individuals until he sees grounds for presuming their guilt; and the practice has been approved by the Court, as communicated in their letter No. 2434 of 11th August 1837. It evinces the great attention Mr. Metcalfe has paid to check the practice of apprehending and summoning individuals unnecessarily to the sudder station." This district has been in a very satisfactory state during the past year. There has been a considerable decrease in "heinous crimes," but a slight increase in "petty offences." Mr. Metcalfe observes in his letter No. 8 of 27th January 1838—"I am happy to say that one da coity alone has been perpetrated in the district, that cattle stealing hitherto a standing and lucrative trade has been almost completely subdued, a system of counterfeiting coin has been detected, and the offenders, after a long period of impunity, brought to justice, and the only offence standing at par with former years is the crime of murder. This traced to the usually existing causes of some dispute originating in women or caste, is beyond a Magistrate's prevention, and I fear it will be long before self-control and a discipline of the passions will diminish the frequency of this dreadful crime;" 19 persons were discharged in consequence of Razeenamahs being filed and none in consequence of the non-attendance of prosecutors. The Court observe that the detail of miscellaneous offences has been unnecessarily lengthened out, as many of the offences enumerated might very properly have come under one and the same head.

* In Jail,.....	0
On Bail, ...	6
	6

453. The number of persons under trial is noted in the margin.* "On 31st December 1837," observes the Session Judge, "there were only 6 persons under trial in this district, and of whom none has been in attendance beyond (3) three months. This circumstance is considered highly creditable to the Officiating Magistrate Mr. Metcalfe and his subordinates, and shows that they must have paid no common attention to the discharge of the duties entrusted to them."

454. One suit under the provisions of Regulation XV. 1824 was pending in this district on the 31st December 1837.

455. Twenty persons were in confinement in default of security for good conduct on the same date.

456. The number of appeals preferred from the decisions of the Magistrate, in criminal trials, and also in cases of a miscellaneous nature, and the result thereof

is noted in the margin.* The Session Judge observes—" The number of appeals preferred or called for on revision of the monthly statements from the decisions of the Magistrates in criminal trials and also in cases of a miscellaneous nature, and the result thereof, is noted in the margin.* The decisions passed by the Magistrates in criminal trials have been good. Of the quality of their miscellaneous decisions I cannot speak, not having had them in appeal before me, but from the memorandum in the margin they appear to have been given with great judgment. The increase in the number of appeals is solely attributable to the facility afforded to the people by Act No. VII. of 1835."

* CRIMINAL TRIALS.

Pending in 1836, ...	1
Preferred in 1837, ...	69
Called for cases, ...	5
	75
Confirmed on hearing, .	34
Struck off, ...	13
Modified or reversed, ...	9
Remanded for re-trial,	17
Pending, ...	2
Total, ...	75

* *Miscellaneous Cases.*

Pending in 1836, ...	1
Preferred in 1837, ...	9
	10
Confirmed, ...	9
Modified or reversed, ...	1
	10

457. The criminal business actually pending in this district on the 31st December 1837 is noted in the margin.* The statement is very satisfactory and evinces the assiduity and attention of the Magistrate.

* Heinous crimes, ...	1
Petty offences, ...	80
Proceedings from other Districts, ...	4
Applications and petitions of every other description,	14
	99

458. Mr. G. U. Yule was Joint Magistrate from the 1st January to the 27th March, when he was relieved by Mr. R. Hampton, who officiated to the 2d October, when he was succeeded by Mr. W. A. Law.

Bogra.

459. At the close of the year 1836 there were 20 persons under trial, viz. 3 in jail and 17 on bail or personal recognizance, 713 persons were apprehended or summoned during the year 1837, making a grand total of 733; these persons were disposed of in the manner noted in the margin.*

* Acquitted, ...	245
Convicted, ...	459
Committed to the Sessions, ...	26
Transferred to other jurisdictions, ...	2
Remaining under trial— On Bail, ...	1
	733

460. The statement in the margin* shews the number of persons apprehended, convicted and acquitted in "heinous crimes," as well as in "petty offences." The results exhibited are considered satisfactory, and evince the exercise of great attention in the apprehension and summoning of persons charged with violations of the Laws, 13 persons were discharged in consequence of Razeenamehs being filed, and 2 on account of the non-attendance of prosecutors.

* Heinous crimes, ...		336
Apprehended, ...	191	
Convicted, ..	94	
Acquitted, ...	71	
Petty offences, ...		293
Apprehended, ...		540
Convicted, ...	365	
Acquitted, ...	174	

461. On 31st December there was but one person under trial (and he was on bail) a circumstance very creditable to the Joint Magistrate Mr. Law.

462. One suit instituted under the provisions of Regulation XV. 1824 was pending in this Joint Magistracy at the close of the year.

463. Three persons were in confinement in default of security for good conduct at the same period.

464. The number of appeals preferred from the decisions of the Joint Magistrate in criminal trials, and also in cases of a miscellaneous nature and the result thereof, is noted in the margin.* The result in cases of a miscellaneous nature is satisfactory: and with regard to the trials the Sessions Judge remarks that "the decisions by the Joint Magistrate have been good."

* Trials.	
Preferred,	29
Called for,	1
	30
Confirmed,	7
Struck off,	8
Modified or reversed,	9
Remanded for retrial,	4
Pending,	2
	30
Miscellaneous Cases.	
Pending in 1836,	2
Preferred in 1837,	11
	13
Confirmed,	8
Modified or reversed,	5
	13

465. The criminal business actually pending on the 31st December 1837, is noted in the margin.* The statement is very creditable to the Joint Magistrate.

* Heinous crimes,	0
Petty offences,	44
Applications and petitions of every other descriptions,	7
	51

Sessions Court.

466. Mr. T. A. Shaw was Judge of the district of Rungpore throughout the year, except the latter part of December, when he left the station on leave of absence, making over charge of the current duties of his office to Mr. Reily, Principal Sudder Ameen of the district.

467. At the close of the year 1836 there were 12 persons under trial on commitment by the Magistrate of Rungpore, 101 persons were committed during the year 1837, making an aggregate of 113. They were disposed of as stated in the margin.* The result evinces the exercise of a sound discretion on the part of the committing Magistrate Mr. Metcalfe.

* Acquitted,	13
Convicted,	76
Referred to Nizamut Adawlut,	11
Pending,	13
Total,	113

468. There were no persons under trial on commitments by the Joint Magistrate of Bograh at the close of 1836. Twenty-six were committed in 1837 and they were disposed of as shewn by the marginal statements.* The result is creditable to the committing officers.

* Acquitted,	6
Commitment annulled,	1
Convicted,	19
	26

469. Four trials were called for at the English sittings of the Nizamut Adawlut or by precept on appeal. In three of them the sentences of the Sessions Judge were confirmed: and in one enhanced. In one instance the sentence of the Session Judge having been considered too severe was mitigated on a perusal of the Session Statements: and one was annulled, the evidence as detailed by the Session Judge being in the opinion of the Court insufficient for conviction.

Nizamut Adawlut.

470. Three prisoners were under reference from Rungpore to this Court at the close of the year 1836. The number referred in 1837 was 11, making a total of 14, and they were disposed of as noted in the margin.*

* Convicted,	11
Acquitted (insane,)	1
Pending,	2
	14

471. The following is an abstract of the sentences passed on the prisoners convicted in the year 1837.

By the Nizamut Adawlut.

Death,	1
Imprisonment for life,	8
Ditto 7 years,	1
Ditto 3 ditto,	1
Total, ...	11

By the Session Judge.

Imprisonment for 14 years and upwards,	1
From 7 to 14 years,	38
From 3 to 7 years,	30
From 1 to 3 years,	25
Less than 1 year,	1
	95*

* Rungpore,	76
Bograh,	19
	95

By the Magistrate of Rungpore and his Assistants.

Imprisonment from 6 months to 3 years,	289
Less than 6 months,	591
Fined,	879
Required to furnish security,	34
Convicts flogged,	4
	1797

By the Joint Magistrate of Buggoorah.

Imprisonment from 6 months to 3 years,	92
Less than 6 months,	180
Fined,	182
Required to give security,	5
	459

GENERAL REMARKS.

472. It is with great satisfaction the Court record their opinion that the administration of criminal justice in the Magistracy of Rungpore and Joint Magistracy of Buggoorah continues in a very efficient state, and does great credit to the officers who have been in charge of the Magisterial duties during the past year, particularly

to Mr. Metcalfe, the officiating Magistrate of Rungpore. Mr. Metcalfe has no revenue duties to discharge; "which," as observed by the Court in their report for the year 1836 on the state of this Zillah, "shews that the Police and Criminal business of a district can be readily placed on an efficient footing by an active and attentive officer who can devote his whole time to the particular duty." The Joint Magistrate of Buggoorah is also Deputy Collector, but the Court observe that the business of the Criminal Court is by no means heavy.

473. The Sessions Judge observes in regard to the average time during which a common trial was passing through the Magistrates' and Sessions Courts, that "a common criminal trial was usually pending before the Magistrate of Rungpore for five, and before the Joint Magistrate of Buggoorah for fifteen days, and that in the former case 15 days and in the latter 18 days usually elapsed between the commitment and the final disposal of the case in the Sessions Court." The comparative expedition with which a case was disposed of by the Magistrate of Rungpore is to be ascribed, the Court conclude, in some measure to the fact of Mr. Metcalfe's having no other duties to distract his attention. The distance of the station of the Joint Magistrate of Buggoorah from Rungpore will fully account for the period from the date of his commitments to that of their disposal, being larger than in the case of the commitments made by the Magistrate of Rungpore.

474. Besides the heavy Sessions duties of his own district Mr. Shaw was deputed to hold the Sessions at Dinagepore under the orders of Government dated the 14th August 1837. The whole of these duties were very satisfactorily performed. The statements and explanations of the cases disposed of without reference to this Court, were very carefully prepared, and the trials referred were very regularly conducted, which the Court observe with pleasure, as in their last report they had occasion to notice some irregularities in the trials conducted by Mr. Shaw during 1836.

ZILLAH BEHAR.

475. Mr. R. Trotter was in charge of the district as Magistrate from the 1st January to the 8th February. The management of the Zillah was then entrusted to the officiating Joint Magistrate Mr. J. S. Dumergue, who received charge of the Magistracy on the 8th February, and continued to officiate in that capacity until the 20th August, when he delivered charge to Mr. W. Onslow, the present Acting Magistrate.

476. On the 31st December 1836 there were 123 persons remaining under examination in this Zillah, viz. 48 in jail and 75 on bail, or personal recognizance; 2116 persons were apprehended during the year 1837, making an aggregate of 2239; and these were disposed of in the manner exhibited in the margin.*

* Acquitted,		1020
Convicted,		680
Committed,		488
Died,		10
Under trial—		
Jail,	8	32
Bail,	24	
		2239

477. The marginal note shews the number of persons apprehended, convicted and acquitted, in "heinous crimes" as well as in "petty offences." Though the total number convicted and committed in heinous crimes exceeds the number acquitted, the Court still notice in this Zillah a very unfavorable disproportion of convictions to the number of persons acquitted and discharged in petty offences.

* Heinous offences, ... 288
Apprehended, ... 1132
Acquitted,... 431
Convicted,... 288
Petty offences,..... 411
Apprehended, ... 984
Acquitted,... 589
Convicted,... 401

478. As connected with this subject the Session Judge states—"The proportion of acquittals to convictions generally throughout the year cannot be considered satisfactory, but the note in the margin shews that the proportion of convictions to acquittals has increased since Mr. Onslow has been in charge, and there is every reason to expect much improvement in the management of the criminal duties under him in the course of a short time."

"Mr. Dumergue was the only officer who disposed of cases in the different grades of Assistant, Joint Magistrate, and Magistrate. He punished in 106 cases, 264 persons, and acquitted in 99 cases, 478 persons."

	No. of Cases.	No. of Persons.
By Mr R. Trotter, Punished, ...	1	5
Ditto, Acquitted,.....	0	0
By Mr. J. S. Dumergue, Punished,...	91	219
Ditto, Acquitted,.....	71	383
By Mr W Onslow, Punished,.....	144	298
Ditto, Acquitted, ...	138	398
Total, { Punished, ...	236	522
Total, { Acquitted, ...	209	781
By Mr. J. S. Dumergue, Joint Magistrate, Punished, ...	6	18
Ditto, Acquitted,.....	13	59
By Mr. J. Read, Assistant, Punished,	4	16
Ditto, Acquitted,.....	10	33
By Mr. J. S. Dumergue, Assistant, Punished, ...	9	27
Ditto, Acquitted,.....	15	36
By Mr. G. D. Wilkins, Assistant, Punished, ...	3	15
Ditto, Acquitted,.....	15	42
Total, { Punished, ...	16	58
Total, { Acquitted, ...	40	111
By 3 Native Judges, Punished,.....	39	91
Ditto, Acquitted,.....	27	69
Total number, { Punished, ...	297	689
Total number, { Acquitted,...	289	1020

479. The number of persons in jail and on bail on the 31st December is noted in the margin.*

* In Jail,..... 8
On Bail, ... 24
32

480. There were 5 cases under Regulation XV. of 1824 pending on the above date.

481. Forty persons were confined in default of security for good conduct. Of the above number 26 persons were in confinement by order of the Nizamut Adawlut, 1 by order of the Commissioner, 1 by the Session Judge and 12 by the Magistrate.

482. The number of appeals preferred from the orders of the Magistrate and Joint Magistrate in criminal trials, and the mode in which they were disposed of by the Session Judge, is given in the margin.*

* Appeals in Criminal Trials.

From the orders of the Magistrate.	Pending in 1836.	Preferred in 1837.	Total.	Confirmed.	Modified or reversed	Pending on 31st Dec. 1837.	Remarks.
Mr. C. B Quintin, ...	1	0	1	0	1	0	
Mr J S Dumergue, ...	0	A 35	35	A 15	20	0	A Of these 8 cases were sent for on revision of monthly statements and the orders were not interfered with
Mr. W. Onslow,	0	24	24	19	5	0	
Total,...	1	59	60	34	26	0	
From the Orders of the Joint Magistrate.							
Mr. G. D Wilkins, ...	3	3	6	6	0	0	
Mr. J. S. Dumergue, ...	3	6	9	4	5	0	
Total,...	6	9	15	10	5	0	
Grand Total,...	7	68	75	44	31	0	

* Heinous offences, ... 5
Petty ditto, ... 42
47

483. The criminal business actually pending in this district at the close of 1837, is noted in the margin.* The Court observe that there were no appeals or proceedings from other districts, nor any miscellaneous cases pending on the above date.

484. The officiating Session Judge remarks that "this statement is considered as very creditable to Mr. Onslow, the present officiating Magistrate." From the documents before them, the Court have no reason to qualify this opinion, and trust that the Session Judge's expectation with regard to the dispatch of business, and checking and punishing crimes with greater efficiency will be fully realized.

* Pending at the end of 1836, ... 230
Ditto ditto 1837,..... 47
Decrease,... 183

485. The decrease in the pending cases compared with the number remaining at the close of 1836, as given in the margin,* is creditable to the Acting Magistrate.

Session Judge's Court.

486. Mr. J. C. Brown officiated as the Session Judge of this district throughout the year. He was occupied 137 days with the duties of the Sessions Court.

487. At the close of 1836, 39 persons remained under trial; during the year 1837, 491 prisoners were committed, making together 530; and the mode in which these were disposed of will be seen in the margin.* The margin to paragraph 2 states that 488 persons were committed which agrees with the aggregate of the monthly statements. The Sessions Judge will be requested to explain the discrepancy.

* Acquitted, ... 120
Convicted, ... 350
Referred,..... 52
Died,..... 7
Under trial, ... 1
530

488. Twenty trials were called for at the English sitting or by precept on appeal. In 1 case, including 4 prisoners, the sentence of 7 years imprisonment passed by the Session Judge was enhanced to 14 years, and in 5 cases, which included 23 prisoners acquitted by the Session Judge, the records were returned with the Court's letter dated as per margin,* in which, after an attentive consideration the Court animadverted on the irregularity of the proceedings of the Session Judge.

* 17th November 1837.

489. The following is an extract of the letter alluded to :—" The Court have observed with regret a want of proper discrimination of the merits of the cases under review ; and they direct me to add that they trust any similar inattention to those rules by which you ought to be guided in the discharge of your important duties, will not again come to their notice."

490. The remaining cases which were called for in December 1837 were undisposed of at the close of the year under review.

491. Seventeen persons were under reference to the Nizamut Adawlut at the close of 1836, in 1837, 50 were referred, making in the aggregate 67 prisoners, who were disposed of as indicated in the margin.*

Nizamut Adawlut.

* Acquitted,	22
Convicted,	29
Returned,	3
Under trial,	13
	67

492. The Session Judge's statement No. 12 shews that the cases of 52 prisoners were referred for the orders of the Superior Court during the year under review, as however statement No. 14 which is prepared in the office of the Nizamut Adawlut exhibits 50 being two less, the Session Judge will explain the discrepancy noticed.

493. The following is an abstract of the sentences passed on the prisoners convicted in this Zillah during the year under review.

By the Nizamut Adawlut.

Death,	2
Transportation,	1
Imprisonment for life,	24
Ditto for 9 years,	1
Ditto for 7 years,	1
Total, ...	29

By the Session Judge.

For 14 years and upwards,	16
For 14 years,	231
More than 3 and not exceeding 7 years,	75
More than 1 year and not exceeding 3 years,	7
Less than 1 year,	11
Fined,	10
Total, ...	350

By the Magistrate and his Assistants.

6 months and not exceeding 3 years,.....	470
Less than 6 months,.....	372
Fined and discharged,.....	468
Security required,.....	32
Punished with stripes,.....	36
Total, ...	1378

General Remarks.

494. The state of criminal justice in this district is not yet so favorable as could be wished and the extent of crime has been very great. The Session Judge observes—" Had the office of Magistrate been in more efficient hands for the last 2 or 3 years, the state of criminal justice in this district would no doubt have been more satisfactory. The office of Collector of Revenue being united with that of Magistrate, rendered it necessary that the control of the Police, and the management of the criminal duties, should be entrusted to an officiating Joint Magistrate who was in fact a mere junior Assistant. With the best intentions young Assistants without experience are not the persons to be entrusted with the management of such a Zillah, as Behar, and I consider it a most fortunate circumstance, that towards the close of last year, the conduct of the Magistracy of this district, passed in the hands of the officer officiating at present. He is both active and zealous and has had experience in criminal duties. I trust therefore in a short time, when he has been sufficiently long in office here, the effects of the salutary measures he has adopted in the dispatch of business and checking and punishing crime, will be apparent. The Police have not been heretofore well managed and the business pending before the Magistrate has been so heavy that he has not been able to turn his attention to other matters of great importance. But now that the cases, and the arrears Mr. Onslow found on taking charge, are all disposed of, he will be able to attend to the management of his Police which was formerly much neglected."

" The increase of crime is to be greatly deplored, but this increase is only under particular heads, namely, those in which the plunder of property is comprized. The scarcity of grain and the enhanced price of all articles of food, in consequence, has led to the commission of numerous crimes, by those who are not professed robbers or thieves, but who, as they and their families have been in a state of starvation, and could not procure grain for money, had recourse to gang robbery."

" During the last half year of 1837, of 37 dacoities entered in the returns, only one to the best of my recollection, was perpetrated by professed dacoits, the others were committed by gangs of starving wretches, who had until the past season obtained their livelihood by honest labor or cultivation."

495. The Court entirely concur with Mr. Brown in his observations respecting the necessity of entrusting the management of a district to able and experienced hands, and they trust that the result of Mr. Onslow's exertions will shortly appear in the improved state of the district. With regard to the great number of dakoities

it is satisfactory to observe that only one offence of that nature appears to have been committed by professed dakoits. The evil may therefore be considered of a temporary nature.

496. With respect to the observations of Mr. Brown regarding the efficiency of the officers to whom the Magisterial duties of the district of Behar were confided, prior to the appointment of Mr. Onslow, the Court consider that he partly alludes to the late officiating Magistrate Mr. Dumergue. The Court regret to have observed a want of cordiality between Mr. Brown and Mr. Dumergue which could not but have proved prejudicial to the public interests. They are not however prepared to state that the fault rested entirely with the Magistrate. On the contrary the resolution recorded on the 1st instant, a copy of which is annexed to these resolutions, shews that in the opinion of the Court there was a considerable want of judgment and discretion on both sides.

497. The Session Judge continues—" Another cause for the increase of crime is the abolishment of corporal punishment with certain restrictions, which with certain restrictions would be found a great check to crimes. In a country like this a jail has no terrors, the prisoners are well clothed, fed, housed, and attended to, and there are numbers who now voluntarily commit crimes, well knowing the penalty on conviction, who if they could not avoid corporal punishment in addition to imprisonment would be deterred. This is a point on which every officer who had had any experience in criminal business, must agree, and it is to be trusted, the time is not far off when corporal punishment will be introduced again into the criminal code." The Court do not consider it necessary to record any opinion in this place on the general question of the expediency or otherwise of the re-introduction of corporal punishment.

498. Mr. Brown states—" The efficiency of the Police and the powers of the Magistrate would be materially strengthened if he was permitted to have the use of some Suwars with the proper complement of native officers from some of the irregular horse, or even hired armed horsemen, who could be got for 12 or 15 rupees each. These men would be able to bring in quick intelligence, and also pursue the predatory gangs, and be the means of their being secured. The experiment might be made, and should the anticipated results not ensue, they could easily be returned to their corps or discharged."

" For the town of Gya, which includes Sahibgunge, Boonyadgunge Puhsee and Ghoogree Tarudh, the establishment of a regular night patrole is very essential. Had there been one in December last, it is most probable that a dacoitee, which was perpetrated in the Town of Sahibgunge, on Christmas evening last, at between 7 and 8 P. M., in which one man was murdered, several persons severely wounded, and cash and jewels to the amount of upwards of 16,000 rupees carried off, would not have occurred." Mr. Brown will be informed that he should submit the above matter for the consideration of the Superintendant of Police.

499. The Court do not deem the reason assigned by the Session Judge for the non-submission of the report required by the Circular Orders of the 7th October 1836 relative to the number of days that a common trial has been usually

pending before the Magistrate, and the number of days that usually elapse after commitment, before the final disposal of the case by the Session Judge, to be sufficient; he says that—" These periods depend so much upon contingencies that it is next to impossible to state clearly how many days a case is pending." He will be informed that the Court do not see any difficulty in his supplying the information required. After a case has been disposed of, it is easy to ascertain the time that it had been pending before the Magistrate and the number of days which elapsed after commitment until final decision by the Sessions Court, and thus ascertaining the average period from facts.

500. The Session duties which Mr. Brown had to perform were very heavy and considerable attention appears to have been paid to them. The Court however with reference to some of the preceding observations, cannot consider that they were efficiently discharged.

Resolution of the Court of Nizamut Adawlut, dated 1st June 1838.

1. Read a letter No. 13 dated the 27th January last from the Session Judge of Zillah Behar, together with the proceedings in 13 cases as per margin, tried at the Sessions at Zillah Behar during the year 1837 transmitted therewith.

2. Read also a letter No. 2 dated the 8th of January last from the Session Judge of Zillah Behar, together with the proceedings in the case of Nadir Allee, thannadar of Nubeenugur.

3. Before proceeding to a consideration of the proceedings in the last mentioned case the Court record the following opinion in regard to the 13 trials submitted with Mr. Brown's letter of the 27th of January last.

Behar Sessions for Dec. 1836.
1, Musst. Raddeeka
versus
Pershaud Doosaud.
Charge—Highway robbery and budmashee.

4. The Court do not consider that the charge was proved against the prisoner in the Session Court. But they are of opinion that Mr. Brown ought not to have disposed of the case until further endeavours had been made to obtain the evidence of the remaining witnesses for the prosecution there being sufficient grounds for the commitment.

Sessions for January 1837.
2, Poorun Gwallah
versus
Gwibhoo and others.
Charge—Wilful murder.

5. In the opinion of the Court there appears every reason to believe the truth of the evidence of the witness Anunda Gowalah, that the whole of the prisoners, except Gundowree, (to whom the Magistrate should have tendered a conditional pardon) beat the deceased, and thereby caused his death. There was proof moreover that the parties after drinking at a liquor shop, left it together, and that a quarrel took place between some of them, and the son* of one† of the accused persons stated before the Police, that his father and two of the prisoners (Gurbhoo and Mothee) told him they had killed the deceased, and that at their request he accompanied them to the spot where they had buried the body, and saw them disinter

* Soobun.
† Kuppoor who died before the trial came on.

and remove it to another place, which he pointed out to the Police, and where the body was found. He gave evidence to the same effect in the Foujdaree and Session Court, and instead therefore of agreeing with Mr. Brown that there were not sufficient grounds for this commitment, the Court think there was strong presumptive evidence of the guilt of the prisoners, more especially of that of Gurbhoo and Mothee.

6. The Court observe that the charge was not brought home to the prisoners, and the evidence was hardly sufficient to render the commitment necessary.

Sessions for January 1837.
3, Government
versus
1, Birjlal Singh.
2, Gundowree Singh.
Charge—Aiding and abetting in the Suttee of the mother of No. 1.

7. It having been clearly proved that during the affray the prisoner stood at a little distance, and told the offending party not to use their swords, but to strike with their lathees, as swords would cause bloodshed; the Court are of opinion that the prisoner was deserving of punishment.

4, Shunker Naik
versus
Nubbee Bukshkhan Burkundaz.
Charge—For being an aider and abettor, and being an accomplice in an affray attended with severe beating by which the arm of the Prosecutor was broken, and Poorun Naik and Gourshye Naik was beaten.

8. The Court observe that the evidence against the prisoners was not altogether satisfactory, and they were properly acquitted, though no blame can be attached to Mr. Dumergue for committing them to trial.

Sessions for March 1837.
5, Sheolal Singh
versus
Hemrauj Gwallah and another.
Charge—Attempting to commit theft, accompanied by the wilful murder of Kerodhur Kuhar, servant of Prosecutor.

9. In this case the Court neither see any reason to find fault with the commitment or with the acquittal of the prisoners. But they remark for Mr. Brown's information, that the evidence of a witness on a trial varying from that which according to the thannah report he was there stated to have given, is not sufficient to invalidate it.

6, Syud Golaum Ali
versus
Syud Hamid Ullee.
Charge—Affray attended with beating and plundering property valued at rupees 1,620 5 annas.

10. The Court observe that there was no proof against the prisoners except their alleged recognition by the prosecutor, and his witnesses; and not considering their evidence to be satisfactory, think the prisoners were properly acquitted, though they do not see any reason to find fault with Mr. Dumergue for making the case over for trial.

Sessions for April 1837.
7, Deelchund
versus
Sreekishun Doss and others.
Charge—Dekoitee and plundering property to the value of rupees 1,682.

11. The Court, not entertaining any doubt of the prosecutor's house having been robbed, feel rather surprized at Mr. Brown's doubting it, and directing the Magistrate, after making further enquiries, to pass such orders as he might deem proper regarding the prosecutor and three of his witnesses, as Mr. Brown must have been aware, that the latter could not legally be punished, except they had perjured themselves, and in which case it would be his duty to order their commitment for trial before the Session Court.

12. The Court direct that the Session Judge will inform Mr. Dumergue, with advertence to his remarks, in the statement forwarded by him, that the law

officer did not declare, in his Futwa, the charge to have been *proved* by the prosecutor, and three eye witnesses, but merely that the individual in question had stated that they recognized the prisoners as they came and left the prosecutor's house.

Sessions for May 1837.
8, Government
versus
Goohee Dosaud.
Charge—Wilful murder of Gundowree.

13. The Court observe that an alarm of thieves having been raised at night in the village of which the prisoner was Chowkeedar, he ran to the spot and seeing the legs of one of the burglars protruding from the hole through the wall of one of the villagers' houses, he gave him one blow with his lathee, and the man being then dragged out by the prisoner and others was found to be dead. It was impossible, however, the Court remark, that the blow in question could have caused his death, and there being no evidence of the prisoner's having used any other violence towards him they think the prisoner was very properly acquitted and that he ought not to have been committed for trial.

Sessions for July 1837.
9, Manick Baspbur
versus
Dulloo Singh.
Charge—Beating with a Khootah by which the Prosecutor's left arm was broken on the 6th September or 11th Bhadoon.

14. This prisoner was acquitted by the law officer because the prosecutor and his witnesses deposed to the act having been committed in the second Puk, or the last half of the month of Bhadoon. Adverting however to the occurrence having taken place but four days prior to the commencement of the second Puk of the month, and to the prosecutors having stated at the thannah on the 18th of September that he had been beaten thirteen days ago; the Court do not consider the grounds assigned for the prisoner's acquittal to be satisfactory. Mr. Brown, it is true, remarks, that the prisoner's plea of an alibi was also fully proved, but the Court disbelieve the evidence adduced in support of it, and think that no blame can be attached to Mr. Dumergue for making the case over for trial.

Sessions for June 1837.
10, Ushruff
versus
Ramjewun Koorsoree.
Charge—Wilful murder of Musst. Chowrassee for the sake of her ornaments and for stealing jewels and clothes valued at rupees 115.

15. In this case the Court remark that the prisoner was properly acquitted, and that there was not sufficient ground for committing him for trial.

Sessions for July 1837.
11, Dial Raee
versus
Nuthoo Ruee and 2 others.
Charge—No. 1 for manslaughter of Musst. Roopa, mother of Prosecutor, and the other two Prisoners for aiding and abetting in the above crime.

16. The Court do not entertain any doubt that the prisoner Nuthoo Raee beat the deceased, and thereby caused her death. They observe that there were some discrepancies in the evidence but not of such importance as to create any suspicion of the truth of it in regard to the above named prisoner. The other two prisoners ought to have been charged with removing the body. They did nothing more, and the evidence against them in support of their doing that, was not at all satisfactory. The Court think that these prisoners were properly acquitted, but that there was sufficient grounds for the commitment.

July Sessions.
12, Dumber Singh
versus
Puran Khan and others.
Charge—For having stolen property in their possession knowing to be such in a case of burglary and theft.

17. This case was made over for trial in February 1837, but certain witnesses for the prosecution not being forthcoming the prisoners were acquitted at the July Sessions, the case having been once postponed on the 19th May. But as there was reason to believe the prisoners to be guilty; the Court think it would have been advisable to have again postponed the case until further endeavours had been made to obtain the attendance of the absent witnesses.

18. The preceding remarks apply to this case.

July Sessions.
13, Dumber Singh
versus
Dial and others.
Charge—Burglary and theft and having possession of the stolen property knowing it to be such.

19. The Court observe with reference to the foregoing details, that in their opinion, the acquittals ordered by the Session Judge were in some instances contrary to the evidence adduced on the trials: that in others though the prisoners were rightly acquitted the Magistrate was fully justified in sending them for trial; and that in three cases the evidence was not sufficient to warrant the commitment.

20. The Court proceed to a consideration of the proceedings in the case of Nadir Allee, Darogha of Nubbeenuggur. Mr. Dumergue having sentenced Nadir Ali Khan, Darogha of Nubbeenuggur to three months imprisonment and to pay a fine of fifty rupees, or in default of payment to another month's imprisonment and to dismissal from office; he appealed to the Session Judge, Mr. Brown, against the fine and imprisonment, and that gentleman having remitted the same Mr. Dumergue addressed the Nizamut Adawlut upon this subject, and his proceedings having been called for through the Session Judge were revised by the Court.

21. The Court observe that the above orders were passed for misconduct imputed to Nadir Ali Khan in the five following instances:

First.—For remitting the surplus collections on account of Mofussil Dawk peons in Company's rupees instead of Siccas, as specified in the Chelans, and for not putting up the money in paper or cloth and affixing his official seal thereto. But in the opinion of the Court the Darogha's answer is quite satisfactory.

Secondly.—For taking cognizance of a complaint of assault preferred at the thannah by Gujadhur Pandee and Keshendeeal Pandee. On examining the papers the Court do not see any reason to blame Nadir Ali for having done so.

Thirdly.—For not proceeding in person to make further enquiries into a case of self murder, although he stated in his report that the investigation made by the Jemadar was unsatisfactory. Adverting however to the occurrence having taken place at a distance of twenty coss from the thannah, and to Nadir Ali's remarking in his report that he awaited the orders of the Magistrate before he left the thannah, for that purpose the Court do not see any ground for imputing to him, as Mr. Dumergue did, neglect of duty, and want of activity for not going at once.

Fourthly.—For colluding with a person in whose house a theft had been committed, and seizing and searching the houses of respectable men implicated in the statements of two lads (14 and 15 years of age respectively) who, as Mr. Dumergue imagines, must have been tutored to name the said persons, and for neglecting to investigate properly, the case owing to which omission innocent men were taken up, and their houses searched. The Court observe that there was not the slightest proof of collusion between Nadir Ali and the individual whose property was stolen,

nor of the lads having been tutored ; they do not perceive any defect in the Mofussil proceedings except that no mention was made in the report as to whether Nadir Ali had seen the broken lock or not.

Fifthly and lastly.—For improperly and illegally searching the houses of certain persons suspected of having stolen property therein. It appears from the proceedings that on the 6th November 1836 Luckoo Chowkeedar informed Nadir Ali, that he had been told by three persons, whose names he did not mention, that Juggoo Gowalah had been robbed and wounded, and that if the houses of the persons in question were immediately searched the property would probably be recovered. Upon this information, without making any further enquiry, Nadir Ali proceeded to the village where the said persons resided and seized them, and searched their houses the following day. On the 9th idem the aforesaid Juggoo was sent for, but he denied any knowledge of the parties apprehended, or of the property found in their houses; in fact nothing was stolen from him except a blanket. The conduct of the Darogha was in this instance highly reprehensible, and in direct violation of the rules contained in Section 16, Regulation XX. of 1817, but still the Court think the sentence passed against him by Mr. Dumergue, was severe in the extreme, and in their opinion a reprimand and fine would have been an adequate punishment, and had not Mr. Dumergue superadded dismissal from office to fine and imprisonment, the Court would have disapproved of Mr. Brown's remitting the fine.

22. The Court observe that Mr. Dumergue having addressed the Register of the Nizamut Adawlut on the 26th of April 1837, complaining of Mr. Brown's reversal of his orders fining and imprisoning Nadir Ali Khan, Darogha of Nubbeenuggur, his letter and the proceedings which accompanied it, were returned for the purpose of being submitted through the Session Judge. This was done accordingly, but Mr. Brown having stated in his letter transmitted on the occasion, that he was of opinion Mr. Dumergue had been actuated by improper motives, in passing the above orders against Nadir Ali Khan, in consequence of that individual having formerly been re-instated in office by the Commissioner of Circuit, after he had been dismissed by Mr. Dumergue for imputed misconduct in the execution of that gentleman's orders, in a case of theft of Indigo, in the conduct of which Mr. Brown considered Mr. Dumergue to have acted with great illegality, the Court deemed it proper to have Mr. Dumergue's proceedings before them previous to recording any opinion upon the subject of his reference, and having now revised them they have no hesitation in saying that they entirely concur with Mr. Brown as to the irregularity and illegality with which they were conducted. The Court are quite surprised at Mr. Dumergue's causing the house of an individual to be searched upon the mere verbal statement of another individual, and consider it exceedingly objectionable that a private servant, the Khansamaun of Mr. Dumergue, should have in any way interfered in the matter.

23. The Court are moreover of opinion that on Mr. Dumergue's issuing an order to Nadir Ali Khan, Darogha of Nubbeenuggur, directing him to search the house of a person therein named, his adding that unless Indigo was found in the house he should suspect the Darogha was injudicious and improper. They are further of opinion that there were no sufficient grounds for the dismissal of Nadir Ali,

and that the Commissioner of Circuit was quite right in restoring him to his situation. So far the Court entirely go along with Mr. Brown, but they are decidedly of opinion that he was in no way justified in indulging in the unguarded remarks contained in the concluding part of the penultimate paragraph of his letter of the 3d November last. Nothing short of the most clear and irrefragable proof of the fact should have induced Mr. Brown to bring an imputation of so very grave a nature against Mr. Dumergue, whose orders respecting Nadir Ali, as already stated, are considered by the Court unnecessarily severe though there is nothing to lead them to pronounce an unfavorable judgment upon his motives. In this respect the Court consider the terms in which Mr. Brown has spoken of Mr. Dumergue to be very objectionable and unwarrantable, and they trust that none of his proceedings which may hereafter come under their revision, will be open to the same objections.

24. The Court observe that Mr. Dumergue has left the district of Behar.

ORDERED,

that a copy of these Resolutions be forwarded to the Session Judge of Behar and another to Mr. Dumergue for their information and future guidance.

CITY PATNA.

501. Mr. R. Farquharson officiated as Magistrate of Patna from the commencement of the year to 28th March when he was relieved by Mr. Assistant Chapman who remained in charge to 23rd June, Mr. Skipwith then joined the office and held it to the close of the year.

502. At the close of the year 1836, there were 92 persons under trial, viz. 26 in jail, and 66 on bail or personal recognizance; 2,705 persons were apprehended or summoned during the year 1837, making a grand total of 2,797. These persons were disposed of in the manner noted in the margin.*

* Acquitted,.....	1247
Convicted,.....	1325
Committed, ...	192
Died in jail, ...	4
Escaped, ...	16
Transferred to other jurisdictions, ...	2
Remaining under trial,	17
	2797

503. The marginal statement* shews the number of persons apprehended, convicted and acquitted, in "heinous crimes" as well as in "petty offences." The proportion of convictions and acquittals in heinous crimes, even taking into calculation the number of commitments, is not very satisfactory. In petty offences 435 persons were convicted of neglect of duty, and the Court consider that the statement shews that a number of persons were brought in to the Magistrate's Court upon insufficient grounds, 49 persons were acquitted in consequence of Razeenamehs being filed, and three of non-attendance of prosecutors.

* Heinous crimes,.....		961
Apprehended, ...	850	
Convicted,...	289	
Acquitted,...	373	
Petty offences,.....		1044
Apprehended, ...	1947	
Convicted,...	1036	
Acquitted,...	874	

504. The Court observe that there were 881 cases of burglary, of attempts to commit that offence, and theft. Of these only 239 were investigated, leaving 642 cases about which no enquiry was made.

* Burglary,.....	181
Attempts to commit,...	370
Theft, ...	330
	881

* In Jail,	4
On Bail,	13
	17

505. The number of persons under trial at the close of the year is noted in the margin,* and is considered satisfactory.

506. No cases were pending in this district on the 31st December last, under the provisions of Regulation XV. 1824.

507. Forty persons were confined in this district in default of security for good conduct.

* Appeals—Criminal Trials.		
Pending in 1836,		8
Preferred in 1837,		115
		123
Confirmed,	71	
Modified or reversed,	52	
		123
Miscellaneous Cases.		
Pending in 1836,		1
Referred,		18
		19
Confirmed,	12	
Modified or reversed,	5	
Pending,	2	
		19

508. The number of appeals preferred from the decisions of the Magistrate, in Criminal trials and also in miscellaneous cases, and the result thereof, is noted in the margin.* The Court consider the number of reversals in Criminal trials to be large.

* Heinous cases,	4
Petty offences,	54
Proceedings from other Districts,	44

509. The Criminal business actually pending in this district on the 31st December last, is noted in the margin.* The statement is considered satisfactory.

Sessions Court.

510. Mr. G. Morris was Session Judge of Patna from the 1st to the 9th January, on that day he was relieved by Mr. R. T. Tucker who discharged the current duties to the 16th February, on which date Mr. Templer, the Session Judge, assumed charge of his office.

511. At the close of the year 1836, there were 3 prisoners under trial, 191 were committed during the year 1837: and the cases of 5 prisoners were returned by the Nizamut Adawlut, making a grand total of 199. These persons were disposed of in the manner noted in the margin.* The proportion of acquittals is large: and the Court observe on reference to the Session statements that in some instances the commitments were not judiciously made.

* Acquitted,	53
Convicted,	100
Referred,	20
Commitment annulled,	10
Remaining for trial,	16
	199

512. The number of trials called for at the English sittings under Section 5, Regulation IX. 1831 and by precept on appeal was 7, including one case pending of 1836. In one case the sentence of the Session Judge was confirmed, in the remaining six the punishments were enhanced.

Nizamut Adawlut.

* Acquitted,	5
Convicted,	10
Sent back,	5
Pending,	1
	21

513. One prisoner was under reference from the City of Patna to this Court at the close of the year 1836; 20 were referred in the year 1837, making a total of 21. These were disposed of in the manner noted in the margin.*

514. The following is an abstract of the sentences passed on the prisoners convicted in this district during the year 1837:

By the Nizamut Adawlut.

Death,	2
Imprisonment for life,*	4
Imprisonment 14 years,	4
	10

* Besides these the case of three prisoners was called for and their sentences enhanced from 7 years' imprisonment to imprisonment for life.

By the Session Judge.

7 years and not exceeding 14 years,	12
3 years and not exceeding 7 years,	50
1 year and not exceeding 3 years,	31
Less than 1 year,	7
	100

By the Magistrate and his Assistants.

6 months and not exceeding 3 years,	189
Less than 6 months,	384
Fined,	576
Dismissal from office,	128
Required to furnish security,	48
Total, ...	1,325

General Remarks.

515. Though there has been a manifest improvement in the state of the district of Patna; the Court cannot consider it to be altogether satisfactory. There is much crime allowed to pass over without the slightest enquiry, but under the existing state of the law the police officers have no power of interference in cases of burglary and theft in the absence of a regular complaint. The Court however, are satisfied that in order to place the criminal administration in as efficient a state as possible, every exertion will be made by the present Magistrate of whom the Session Judge observes as follows—"The present Magistrate, Mr. Skipwith, took charge of his office in June last: and he shewed himself an active, zealous, public officer. The police has improved under his management: the district is quiet, and the cases before the criminal tribunals are promptly taken up and disposed of."

516. The duties of the Session Court were conducted by Mr. Templer generally to the satisfaction of the Court, though occasional omissions and irregularities were observable in the preparation of his Session statements.

ZILLAH SARUN.

517. The undermentioned officers were in charge of the Magistracy of Sarun during the year 1837.

Mr. Valpy from the 1st of January to the 20th of June.

Mr. Luke from that date to the 1st week in December, when he was relieved by Mr. J. Alexander who remained in charge to the end of the year. The Magisterial duties were chiefly conducted by Mr. Luke throughout the year, for the 1st six months in his capacity of Joint Magistrate.

* Acquitted,		1080
Convicted,		880
Committed,		94
Died,		3
Transferred to other jurisdictions,		26
Remaining—		
In Jail,	37	104
On Bail,	67	
		2187

518. At the close of the year 1836 there were 125 persons under examination, viz. 52 in jail and 73 on bail or personal recognizance; 2026 persons were apprehended or summoned during the year 1837, making a total of 2187. These persons were disposed of in the manner noted in the margin.*

* Heinous crimes,		334
Apprehended,	990	
Convicted,	401	
Acquitted,	450	
Petty offences,		641
Apprehended,	1197	
Acquitted,	630	
Convicted,	479	

519. The marginal statement* shews the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." Taking into consideration the number of commitments, and the manifest improvement upon the state of things exhibited by the returns for 1836, the Court see no reason to find fault with the statement in regard to crimes of a heinous nature. The statement, however, as it respects petty offences, is very unsatisfactory: there being no less than 234 of the number convicted who were punished for neglect of duty. Nine persons were released in consequence of the non-attendance of prosecutors and 49 of Razeenamehs being filed. The Court observe that of the number acquitted 97 persons were discharged on their own recognizance, which the Session Judge remarks on some degree qualifies the unsatisfactory result. Admitting such to be the case, the large proportion of unconditional acquittals leads to the conclusion that many persons were brought into the Courts of the Magistrate and his Assistants on insufficient grounds.

* In Jail,	37
On Bail,	67
	104

520. The number of persons under examination in jail or on bail at the close of the year is noted in the margin,* and calls for no particular remark.

521. Two cases were pending at the same period under the provisions of Regulation XV. 1824. One of which the Court observe had been pending since March 1837, in consequence as the statement shews, of the failure of the parties to attend, and of the papers connected with the case being before the Session Judge. It was disposed of in the month of January, 1838.

522. Seventy-four persons were in confinement in default of security for good behaviour, which appears to the Court a very large number.

523. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate in criminal trials and miscellaneous cases, and the result thereof, is noted in the margin.* Of the 141 cases admitted in 1837, 58 were called for by the Session Judge without any petition of appeal having been presented.

* Criminal Trials.		
Pending in 1836,		15
Admitted in 1837,		141
Total,		156
Confirmed,	90	
Order modified or reversed,	40	
Pending,	26	
		156
Miscellaneous Cases.		
Pending in 1836,		1
Admitted in 1837,		77
		78
Confirmed,	46	
Modified or reversed,	26	
Pending,	6	
		78

524. The Criminal business actually pending in this district on the 31st December, is noted in the margin.*

* Heinous offences,	12
Petty ditto,	28
Appeals,	8
Proceedings from other Districts,	26
Miscellaneous cases,	71
	145

Chumparun.

525. The separation of the Criminal jurisdiction of Sircar Chumparun from the Magistracy of Sarun and its establishment as an independant Joint Magistracy, took place during the last half of the past year, and Mr. C. B. Quintin assumed charge of the office at the end of August. The statements therefore for this jurisdiction only include a period of four months.

526. On the 1st September 1837 there were 22 persons under trial from this jurisdiction, viz. 14 in jail and 8 on bail or personal recognizance; 244 persons were apprehended or summoned to the close of the year, making an aggregate of 266. They were disposed of in the manner noted in the margin.*

* Acquitted,		87
Convicted,		133
Committed,		13
Escaped,		1
Remaining—		
In Jail,	18	32
On Bail,	14	
		266

527. The marginal statement* shews the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." The result is on the whole considered satisfactory; 13 persons were punished for neglect of duty, 2 were discharged in consequence of the non-attendance of prosecutors, and 5 on account of Razeenamehs being filed.

* Heinous crimes,		44
Apprehended,	122	
Convicted,	58	
Acquitted,	36	
Petty offences,		68
Apprehended,	144	
Convicted,	75	
Acquitted,	51	

528. The number of persons under examination in jail or on bail on the 31st December 1837, is noted in the margin,* and is considered satisfactory.

* In Jail,	18
On Bail,	14
	32

529. No cases were pending in this jurisdiction under the provisions of Regulation XV. 1824.

530. Thirty-six persons were in confinement under requisition of security for good behaviour at the close of the year.

* Criminal Trials.	
Appeals preferred, ...	5
Confirmed, ...	1
Modified or reversed, ...	1
Pending, ...	3
	5

531. The number of appeals preferred from the decisions of the Joint Magistrate, and the result thereof, is noted in the margin.* There were no appeals in miscellaneous cases.

* Heinous offences, ...	8
Petty ditto, ...	7
Miscellaneous cases, ...	71
Total, ...	86

532. The Criminal business actually pending in this district on the 31st December last, is noted in the margin,* and is satisfactory.

Sessions Court.

533. Mr. Assistant Astell was in charge of the current duties of the office of Sessions Judge from 1st January to 27th March, when he was relieved by Mr. C. Udny who held the appointment to the close of the year. Mr. Udny sat 91 days in the Sessions Court.

* Acquitted, ...	25
Convicted, ...	104
Referred to Nizamut Adawlut, ...	7
Commitments annulled,	1
Tried by Commissioner of Circuit and Special Session Judge, ...	4
Transferred to Thuggee Session Judge,	1
Escaped, ...	1
Pending, ...	2
	145

534. At the close of the year 1836, there were 54 persons under trial, 94 were committed by the Magistrate and Joint Magistrate of Sarun, making a total of 148. Of these 3 belonged to the jurisdiction of Chumparun, and have accordingly been transferred, leaving 145. These persons were disposed of in the manner noted in the margin.* The Court consider the result of the trials to be satisfactory.

535. The prisoner tried by the Commissioner of Circuit was convicted; as were the three tried in one case by the Special Session Judge. This case, however, has been called for by this Court since the close of the year, and the conviction of two of them quashed, and a recommitment ordered.

* Convicted, ...	3
Pending, ...	13
	16

536. Sixteen persons (including 3 transferred from Sarun) were committed by the Joint Magistrate of Chumparun from the date of his assuming charge of the district as a separate jurisdiction. They were disposed of as noted in the margin.*

537. Three cases were called for by the Court either at their English sittings on a revision of the monthly statements, or by precept on appeal. In one instance the sentence of conviction passed by the Session Judge was annulled. In the other two cases the Court saw no reason to interfere. The sentence passed in one case upon two prisoners was annulled by the Court at their English sittings, the evidence under the explanation of the Session Judge being deemed insufficient for conviction; and in another instance the punishment ordered by the lower Court being considered too severe was reduced.

538. The cases of eight prisoners referred by the Session Judge of Sarun were disposed of by the Nizamut Adawlut during the year 1837. The whole of the prisoners were convicted.

539. The following is an abstract of the sentences passed upon the prisoners convicted in the Magistracy of Sarun and Joint Magistracy of Chumparun during the year 1837.

By the Nizamut Adawlut.

Death,	1
Imprisonment for 14 years,	1
Imprisonment 3 years and upwards to 5 years,	4
Imprisonment 1 year,	1
Less than 1 year,	1
Total, ...	8

By the Session Judge, Special Session Judge & Commissioner of Circuit.

Imprisonment 14 years and upwards,	15
„ 7 ditto and ditto,	6
„ 3 ditto and ditto,	68
„ 1 ditto and ditto,	12
Less than 1 year,	10
	111

By the Magistrate and his Assistants.

Imprisonment 6 months and upwards to 3 years,	265
Less than 6 months,	342
Fined,	181
Required to furnish security,	92
Total, ...	880

By the Joint Magistrate of Chumparun.

Imprisonment 6 months and upwards to 3 years,	54
Less than 6 months,	9
Fined,	34
Required to furnish security,	36
Total, ...	133

GENERAL REMARKS.

540. The statements for these districts were forwarded by Mr. Udny with a letter dated the 9th July 1838, whereas they should have been before the Court by the 1st February. Mr. Udny explains the great delay, by stating that the Division of the Magistracy of Sarun and Chumparun, and the consequent difficulties which have been experienced in making the statements correspond without frequent reference to the official records, as well as the pressure of other business have prevented his submitting them at an earlier period. The Court cannot consider the explana-

tion to be by any means satisfactory, as they are unable to understand the necessity for the constant reference to official records, seeing that the distribution of business on the separation of the Joint Magistracy of Chumparun from the Magistracy of Sarun took place in August 1837, and the results in this respect shewn by the annual statements are precisely the same as those exhibited by the monthly statements for September, a reference to which would have obviated all the difficulty stated to have been experienced by Mr. Udny. The Court will request Mr. Udny to be more punctual in the preparation and dispatch of his future statements.

541. Though the results exhibited by the statements under consideration cannot be deemed altogether satisfactory, the Court observe an improvement in the proceedings of the Magistrate and his Assistants as compared with the state of things which existed in 1836. The number of persons apprehended upon apparently insufficient grounds is still large. On this subject Mr. Udny observes :—" The large number of persons acquitted however after apprehension affords matter of deep regret. This unfavorable result is attributed by Mr. Luke to the want of discrimination or collusion on the part of the Police with whom the primary enquiry rests, and there can be no doubt that the great obstacle to the efficient administration of criminal justice arises from the unfitness or corruption of the officers to whom in the first instance is delegated the investigation of criminal charges. Correct information is of course obtainable when local enquiry is made immediately after the perpetration of an offence, but if this information be suppressed or perverted by the officer employed to investigate, there can be little ground for the expectation that the merits of the case will be ascertained at a subsequent stage of the proceedings; and every facility is thus afforded for the escape of the real offenders, and the implication of innocent parties." The Court do not consider the "unfavorable result" to be satisfactorily accounted for. That the Police should apprehend and send in to the Sudder station a number of persons against whom there is little or no evidence of crime, is in itself a proof of inefficient control on the part of the Magistrate. In the present instance however it is to be observed that the great majority of acquittals occurred in petty offences out of the cognizance of the subordinate Police, and it is to be presumed that the parties attended, for the most part in obedience to summons issued by the judicial authorities. The Court will draw the attention of the Magistrate to this subject, requesting him at the same time, to impress upon his Assistants the importance of obviating, as far as practicable, the evil of harassing persons, by causing their unnecessary attendance at Court.

542. In the marginal quotation* from Mr. Udny's letter he expresses his opinion that the statements are very deficient in exhibiting the real state of crime.

543. The subjects discussed at the 28th, 29th and 30th paragraphs of Mr. Udny's letter have been considered on other occasions : and no particular remarks respecting them are now called for.

544. The Court have perused with satisfaction the following testimony of the Session Judge to the official conduct of the Officiating Magistrate, Mr. Luke :—" I have much pleasure in bearing favorable testimony to the zealous exertions of Mr. Luke, the present Officiating Magistrate, with whom the conduct of the criminal

* "No correct estimate of the actual prevalence of crime can be formed from these statements. Except when from the nature of or circumstances attending the offence, concealment is impracticable, or in offences against property where the loss has been great and strong grounds exist for hoping that the property may be recovered, there is much reason to believe that a very large number of crimes actually perpetrated are never brought to the notice of the criminal authorities."

duties connected with this district has entirely rested, with the exception of the few days during the past year when Messrs. Garstin* and Alexander were in charge of the office."

* It does not appear from the records of the Court when Mr. Garstin had charge or that he even joined the appointment.

545. The trials referred to the Nizamut Adawlut were regularly conducted by Mr. Udny who has performed the duties of his office to the satisfaction of the Court. The manner in which the Sessions Statements were submitted occasionally evinced a want of proper care and attention in the preparation of them, which the Court have no doubt will be avoided in future.

ZILLAH SHAHABAD.

546. Mr. T. Taylor was Magistrate of Zillah Shahabad during the year 1837.

Magistrate's Court.

547. At the end of the year there were 79 persons under trial, and 1857 persons were apprehended or summoned during the year, making a total of 1936 persons under examination. These persons were disposed of in the mode indicated in the margin.*

* Acquitted,		736
Convicted,		995
Committed,		175
Died,		3
Escaped,		1
Transferred to other jurisdictions,		2
Under trial—		
In Jail,	3	24
On Bail,	21	
		1936

548. The statement given in the margin,* shews the number of persons apprehended, and the number convicted and acquitted on charges of heinous crimes and petty offences. The proportion of convictions to acquittals in heinous cases is satisfactory, especially if considered in connection with a remark justly made by the Session Judge, that the prevalence of affrays in the district must always tend to swell the number of acquittals. The Court observe, that 305 persons were convicted of neglect of duty, which much reduces the number of convictions on charges regularly preferred under the head of petty offences, and 74 were released by Razeenamehs.

* Heinous crimes,		478
Apprehended,	795	
Convicted,	328	
Acquitted,	296	
Petty offences,		560
Apprehended,	1141	
Convicted,	667	
Acquitted,	440	

549. The number of persons in jail or on bail on the 1st January 1838, is noted in the margin.* The return is very satisfactory.

* In Jail,	3
On Bail,	21
	24

550. Three suits under Regulation XV. 1824 were pending at the end of the year.

551. Four persons are under confinement in this district, on default of security for good conduct.

* Appeals.

Criminal Trials.

Preferred,		43
Confirmed,	35	
Modified or reversed,	8	
		43

Miscellaneous Cases.

Preferred,		22
Confirmed,	16	
Modified or reversed,	4	
Transferred to the Session Judge and Superintendant of Police,	2	
		22

552. The number of appeals preferred from the decisions of the Magistrate in regular trials and miscellaneous cases, with the result of the appeals, is given in the margin.* The number of appeals confirmed is very creditable to the judgment of the Magistrate.

* Heinous offences,	4
Petty offences,	5
Appeals,	1
Proceedings from other Districts,	5
Miscellaneous cases,	33
	48

553. The Criminal business actually pending in this district on the 1st January 1838, is noted in the margin.* This return speaks well for Mr. Taylor's diligence and activity, especially since it appears that the accumulation of settlement work would not permit Mr. Sandys to devote any portion of his time to the disposal of criminal business, and that, owing to the same cause, Mr. Alexander was able to afford but little assistance.

Sessions Court.

554. Mr. W. Dent presided over the Sessions Court from the 25th January to the end of the year, with the exception of an interval of a month, during which he was absent on leave.

* Convicted,	143*
Acquitted,	20*
Referred,	11
Under trial,	10
	184

* One prisoner was convicted and one acquitted by the Commissioner.

555. There were 9 prisoners under trial before the Session Judge at the close of 1836, and 175 prisoners were committed during the year, including two who were tried by the Commissioner of the Division. These prisoners were disposed of in the manner noted in the margin. The result of the commitments made by Mr. Taylor reflects great credit on his judgment.

556. Four cases were called for on revision of the Jail Delivery statements at the English sittings or by precept on appeal. The sentences passed in two cases were enhanced by the Nizamut Adawlut. The remaining cases had not been revised at the close of the year.

Nizamut Adawlut.

557. Eleven prisoners were referred to this Court during the year, and they were all convicted.

558. The following is an abstract of the sentences passed on the prisoners convicted in this district during the year 1837:

By the Nizamut Adawlut.

Death,	3
Imprisonment for life,	1
For 14 years,	6
For 2 years,	1
	11

By the Session Judge.

Imprisonment for periods between 7 and 14 years,.....	34
Between 3 and 7 years,.....	93*
For less than 3 years,.....	16
	142

* The Judge says 92, omitting the prisoner punished by the Commissioner.

By the Magistrate and his Assistants.

Imprisonment for 3 years,.....	23
For 1 year and upwards,.....	161
For 6 months and upwards,.....	120
For less than 6 months,.....	323
Fined,.....	332
Required to furnish security,.....	5
Dismissed, ...	31
	995

GENERAL REMARKS.

559. The Court have observed with satisfaction the attention paid by Mr. Taylor to the duties of the Magistracy, and they entirely concur with the Session Judge in the following remarks on this subject:

"The result of the proceedings of the year, as exhibited in the statements under consideration, cannot fail to impress the Court with a very high opinion of the ability and judgment with which Mr. Taylor conducts his official duties."

560. In disposing of the business of his Court Mr. Taylor derived considerable assistance from the native judicial officers, and the Court have perused with satisfaction the following testimony borne by the Magistrate to their creditable exertions:

"The aid rendered me by this native agency has been very efficient, and I am glad in having this opportunity to acknowledge their valuable services."

561. In regard to the time during which a trial was usually pending in the Magistrate's Court, the Session Judge remarks:

"From returns made to this office it appears, that the average period, for which each prisoner sentenced by the Magistrate to more than six months, was under trial was only 16½ days, and the average period for which each prisoner's case was under investigation before the Magistrate previous to commitment to the Sessions was 54 days." The Court observe, that Mr. Dent should have stated the average period that a trial was pending in the Sessions Court after commitment.

562. The duties of the Sessions Court have been discharged by Mr. Dent entirely to the Court's satisfaction. The trials have been regularly conducted, and the statements and references very carefully prepared.

563. The general subjects discussed in Mr. Dent's letter, submitting the statements, will be separately considered by the Court.

ZILLAH TIRHOOT.

Magistrate's Court.

564. Mr. J. E. Wilkinson was Magistrate of the district from the 1st January to the 25th September, when the Magistracy and Collectorship being separated, he delivered over charge of the former office to Mr. W. Trotter.

* Acquitted, ...		727
Convicted, ...		1092
Committed, ...		61
Died, ...		4*
Escaped, ...		4*
Under trial—		
In Jail, ...	6	33
On Bail,.....	27	
Unaccounted for, ...		2*
		1923

* The Magistrate in his letter No. 17 of the 15th January 1838, to the address of the Session Judge, says that 10 prisoners died and escaped: but his statement No. 1 shews only eight, which he is requested to explain.

565. At the close of the year 1836, there were 24 persons under examination, viz. 11 in jail and 13 on bail, and 1899 persons were apprehended or summoned during the year 1837, making a total of 1923 persons under trial. These persons were disposed of in the manner indicated in the margin.*

* Heinous crimes, ...	944
Apprehended, ...	704
Convicted, ...	434
Acquitted, ...	191
Petty offences,.....	777
Apprehended, ...1219	
Convicted, ...	658
Acquitted, ...	536

566. The statement in the margin shows the number of persons apprehended, convicted, and acquitted on charges of heinous crimes and for petty offences. The proportion of convictions to acquittals is as 3 to 2, exclusive of commitments to the Sessions. This is a considerable improvement on the state of things exhibited in 1835 and 1836, and the Court have reason to expect a still more favorable result in the current year, from the circumstance of Mr. Trotter's being able to devote his entire attention to Magisterial duties as well as from the indications of zeal and ability afforded by him since assuming charge. The Court observe that it was not found necessary to discharge any person summoned on account of the non-attendance of prosecutors, and that 53 persons only were released on compromises.

* In Jail,.....	6
On Bail, ...	27
	33

567. The number of persons in jail or on bail on the 31st December last, is noted in the margin.* No remark is called for.

568. One case under Regulation XV. 1824, was pending on the 1st January 1838.

569. Thirty-four persons are in confinement on default of security for good conduct.

570. The number of appeals preferred during the year from the decisions of the Magistrate in Criminal trials and miscellaneous cases, is entered in the margin.* The result of the appeals is creditable to the officers concerned.

APPEALS.

Criminal Trials.		
Preferred,		137
Confirmed,	107	
Reversed or modified,	30	
		— 137
Miscellaneous Cases.		
Referred,		38
Confirmed,	18	
Reversed,	17	
Transferred to Session Judge,	3	
		— 38

571. The statement in the margin* of the criminal business actually pending on the 31st December last, shows a very considerable reduction of business in the district.

* Heinous offences,	6
Petty offences,	17
Appeals,	2
Proceedings from other Districts,	17
Miscellaneous cases,	97
	139

572. The information called for by paragraph 4 of the Circular Order of the 7th October 1836, has not been furnished by the Session Judge either for 1836 or for the year under review. The Judge will be requested to submit the information.

573. Mr. H. S. Oldfield was Session Judge of the district during the year 1837. He was absent from the station from the 24th July to the 21st August on private affairs, during which time Mr. Gouldsbury officiated as Session Judge, 36 days were devoted to the performance of Sessions duties and in hearing criminal appeals.

Sessions Court.

574. Sixty-one prisoners were committed during the year to the Sessions Court, and 1 prisoner to the Commissioner's Court. They were disposed of in the manner noted in the margin.* The prisoner whose case was referred to the Nizamut Adawlut, was acquitted. The proportion of convictions to acquittals is not satisfactory.

* Acquitted,	21
Convicted,	40*
Referred,	1
	62

* Out of this number, 3 prisoners were committed by the Civil Judge, 1 tried by the Commissioner and 2 by the Officiating Session Judge.

575. No trials were called for at the English sittings, or by precept on appeal.

576. Only one trial was referred to the Nizamut Adawlut during the year, and the prisoner in that case, as already observed, was acquitted.

577. The following is an abstract of the sentences passed on the prisoners convicted during the year 1837.

By the Session Judge and Commissioner.

Imprisonment for more than 7 and not exceeding 14 years,	20
More than 3 and not exceeding 7 years,	14
More than 1 and not exceeding 3 years,	6*
	40

* One prisoner punished by the Commissioner.

By the Magistrate and his Assistants.

More than 6 months and not exceeding 3 years,	336
Less than 6 months,	294
Fined,	407
Corporal punishment,	1
Required to furnish security,	54
	1092

GENERAL REMARKS.

578. Mr. Oldfield makes the following general remarks on the state of the district in connection with the number and inadequate remuneration of village watchmen. "During the whole of the year (he observes) there have been no commitments involving crimes of great atrocity; and I am also happy in being able to testify to the absence of crimes of deep depravity. Poverty stalks through the district; and where this is found, we shall ever find thieving; still here this is not on a large scale, nor do the cases generally indicate organization. Where gangs have been engaged in burglaries and thefts, the class of Dhanugs, Dozadhs, &c. are principally implicated; and this leads me to the conclusion that so long as the village watchmen are remunerated, as at present, and selected from this class of almost outcasts, the Police will be stationary and justice impeded." It appears from an estimate formed by Mr. Oldfield, that the village Chowkeydars receive an average pay of 1 rupee 4 annas each, a rate of remuneration, as Mr. Oldfield remarks, obviously inadequate to the most trivial service, and which sufficiently accounts for so many of this class of persons proving to be purloiners of the very property they are employed to guard. Mr. Oldfield observes: "I do not give forth these calculations as correct to minute fractions; but have generally taken the highest rate most favorable to the system and affording the highest scale of pay; and I think it is sufficient to prove that this main spring of the Police requires to be re-adjusted, for since Magistrates can no longer inflict stripes, what punishment can a conscientious one award to such watchmen for neglect? If he should fine, the offender cannot pay, and is it just, knowing his poverty, to imprison? and if he should imprison, where can a better substitute be procured on such a stipend." Mr. Oldfield adds: "I consider the strength of the Police of this district likewise inefficient, there being only 255 Burkundazes attached to 16 Thannahs, and 13 detached Chokies; and these are spread over as large a district, as most in the country. Added to which the distances and extent of some Thannahs are so great, that it must often be difficult for the Police to act with spirit and on the moment." On this subject however the Court observe that the Local authorities should communicate with the Superintendent of Police.

579. A case of oppression of a Zumeendar by an Indigo Planter, particularly noticed by Mr. Oldfield, has been separately reported to Government in the Court's letter No. 1430 dated the 11th ultimo.

580. The Court had occasion to notice some omissions and irregularities in the preparation of the Session Statements, and some of the sentences were passed by Mr. Oldfield without sufficient advertence to the rules laid down in Section 3, Regulation II. 1834. On the whole however the duties of the Sessions Court have been zealously and ably conducted by Mr. Oldfield with whose proceedings the Court have much reason to be satisfied.

CONCLUDING REMARKS.

581. The opinion of the Court on the general character of the Police and the nature of the measures proposed for adoption with a view to its amelioration having been fully stated in their report on the results exhibited by the returns for the year

1836, and the correspondence which followed, they do not consider that any useful end would be attained by their re-opening the discussion, especially as some of the proposed measures have been already carried into effect, the results of which remain to be developed, and as a Police Committee is at present engaged in the consideration of the means best calculated to place the Police of the country on a more efficient footing. Without entering therefore into the general question of the actual condition of the Police and the means of its improvement, the Court will confine their remarks on the present occasion to the state of things as exhibited by the returns before them.

582. A report on the extent of crime falls more properly within the province of the Superintendent of Police, but as that officer was not appointed till nearly the close of 1837, the Court consider it advisable briefly to notice the subject.

583. The following is a comparative statement of the number of crimes reported to the Police officers during the years 1836 and 1837.

	Description of Crimes.		Number of crimes ascertained to have been committed during the year 1836.	Ditto ditto during 1837.	Increase.	Decrease.
1	Murder,	By thugs,	2	0	0	2
2		On the river,	0	1	1	0
3		Other cases	230	236	6	0
4	Homicide not amounting to murder,		204	170	0	34
5	Dacoitee,	With murder,	14	17	3	0
6		With torture,	10	6	0	4
7		With wounding or personal injury,	31	48	17	0
8		Unattended with aggravating circumstances,	138	205	67	0
9		Attempts to commit,	11	30	19	0
10	River Decoitee,	With murder,	0	1	1	0
11		Wounding or personal injury,	0	0	0	0
12		Unattended with aggravating circumstances,	4	6	2	0
13		Attempts to commit,	0	0	0	0
14	Highway Robbery,	With murder,	2	5	3	0
15		Wounding or personal injury,	18	26	8	0
16		Unattended with aggravating circumstances,	36	37	1	0
17	Burglary,	With murder,	2	0	0	2
18		Wounding or personal injury,	9	18	9	0
19		Unattended with aggravating circumstances,	5082	4420	0	662
20		Attempts to commit,	1405	1886	481	0
21	Thefts, including, Cattle stealing,	With murder, including of children,	4	16	12	0
22		With wounding or personal injury,	136	14	0	122
23		Unattended with aggravating circumstances,	6892	9278	2386	0
24	Receiving stolen or plundered property,		134	193	59	0
25	Child stealing,	For the purpose of selling in slavery,	7	5	0	2
26		For the sake of ornaments,	1	0	0	1
27	Illegal purchase or sale of slaves,		13	6	0	7
28	Affrays,	With homicide,	28	26	0	2
29		With violent breach of the peace,	190	92	0	98
30	Assaults with wounding or personal injury,		386	317	0	69
31	Arson,		85	73	0	12
32	Forgery or uttering forged deeds,		38	47	9	0
33	Suttee, aiding and abetting,		7	7	0	0
34	All miscellaneous crimes and offences not included in the above,		24057	26502	2445	0
		Total,	39176	43688	5529	1017
					1017	
			Net increase,		4512	

584. The statement shews an increase in the whole, of crimes reported to the extent of 4,512, which has occurred chiefly in those of the nature of dakoity, highway robbery and theft. This increase in the number of offences against property may, in some instances, as in that of Behar, be attributed to the scarcity which prevailed in some parts of the country. While however crimes of this description have apparently increased, the Court are happy to observe a considerable diminution in the number of offences of the nature of affray and breaches of the peace.

585. The Court beg to refer His Honor the Deputy Governor to the separate resolutions on the returns of the several districts for their opinion regarding the administration of justice during the past year. It will be observed that the opinion given is generally much more favorable than that which the Court considered themselves called upon to record on the state of things which existed in 1836. And here it is necessary to remark that in some instances an actually more favorable result has not received from the Court that commendation which in other cases has been bestowed upon the proceedings of officers whose returns exhibit a less degree of efficiency in the general administration of the duties of their courts. This apparent inconsistency however is explained by the circumstance of the Court having taken into consideration not merely the actual state of each district, but its condition during the year 1837 as compared with that which existed in the preceding year: and where they have found that an officer has exerted himself effectually in improving the practice of his own, and the courts subordinate to him, they have given him credit for the same; without however deeming it necessary to bestow any particular commendation in instances in which, though the positive result was satisfactory, there was no manifest comparative improvement.

586. Upon a comparison of the average of the total of 1837 with that of 1836, an improvement appears to have taken place. The convictions, including commitments in 1837, were 64 per cent. of those apprehended and brought to trial; whereas in 1836 the proportion was 53¼ per cent.

Year.	Number of persons under trial before Sessions Judge.	Number of persons convicted and referred to the Nizamut Adawlut by Sessions Judge.	Percentage of those convicted and referred to those under trial.	Number of persons whose cases were referred to the Nizamut Adawlut.	Number of persons convicted by the Nizamut Adawlut.	Percentage of convicted to referred.
1836	3791	2584	68¼	641	317	50
1837	4421	2955	66¾	690	417	60

587. An improvement is also apparent in the Sessions Court and Nizamut Adawlut. In 1836 out of every 1000 men under trial, 480 were convicted within the year by the Magistrate, 30 by the Sessions Judge and 4 by the Nizamut Adawlut, whilst in 1837 the numbers were respectively 578, 38 and 6.

	1836	1837
Sentenced to suffer death,.....	39	30
Imprisonment or transportation for life,	96	109
Imprisonment for a period not exceedings 16 years but more than 1 year, &c.....	3072	5871
Imprisonment for a period of 1 year, &c.	13309	14494*
Fined and discharged, ...	17138	18398
	33654	38902

* Including 35 prisoners sentenced to imprisonment for the remaining period of their former sentence.

588. The total number of persons convicted and punished in 1837 exceeds those convicted and punished in the preceding year by 5,248. The increase being principally in the minor punishments. In the number of capital sentences a decrease of 9 is shewn.

589. It will be borne in mind that the opinion of the Court in regard to each district has been formed upon an examination of the tabular statements, supported in some instances by the reports of the Sessions Judges; and if figures are to be the only standard of judgment doubtless the general improvement must be considered extremely satisfactory, as exhibited in the statement given in the margin which shews the number of apprehensions, acquittals and convictions, including commitments, during the years 1836 and 1837. The comparative number of commitments during the two years certainly tends to the conclusion that in 1837 more evidence was brought to bear upon persons against whomaccusations had been preferred than in the year preceding; while from the decrease in the number of apprehensions notwithstanding the large apparent increase of crime as shewn by the statement at paragraph 584 it is to be inferred that greater caution was exercised by the Magistrates and the subordinate Police in the summoning and apprehension of individuals charged with criminal offences.

Year.	Under trial.	Acquitted.	Convicted.	Committed.	Total convicted and committed.
1836	65213	28204	31318	3310	34628
1837	62404	20599	36071	3945	40016
Increase,	0	0	4753	635	5388
Decrease,	2809	7605	0	0	0

590. The increase however in the number of convictions and the decrease in that of acquittals in the course of a single year has been so great, that notwithstanding the observations of His Honor the Deputy Governor contained in the 17th paragraph of the Resolutions of the 10th April last, which accompanied the printed report for the year 1836, the Court are not altogether satisfied that these results may not in some measure be ascribed to the rigid testing of the judicial administration of the magisterial authorities by the number of convictions and acquittals. The marginal extract from the evidence of Mr. W. Wilkinson, an intelligent and experienced officer, taken before the Police Committee, shews that the Court are not singular in their opinion, that the state of a district should not be too closely judged by the proportion of acquittals and convictions: and they therefore consider it highly inexpedient to raise the standard laid down by them, until they obtain further and more decided information regarding the practical tendency of a system of rigid examination of tabular statements, and of estimating an officer's official character according to the results. This the Court observe can only be satisfactorily obtained by the appointment of a commission to examine the cases tried during a given period in some of the districts in which the number of convictions bears a high proportion to that of the acquittals.

501. Do you think it is fair to judge of the state of a district, or the exertions of a Magistrate solely by the proportion of acquittals and convictions?—Certainly not; I consider it by no means a proper test or criterion. For instance in the case of a serious disturbance or boundary dispute, it is frequently necessary to apprehend a large number of persons to prevent further disturbances, but who may be all eventually released; merely to blame a Magistrate for few convictions is, in my opinion, unjust; I consider the system of first sending for witnesses and then summoning the defendants, to have been carried to too great an extent, and might lead to great hardships to witnesses.

502 Have you reason to believe that convictions have been forced with a view to make a good paper statement?—Yes, I have; I have heard it stated by authorities, that prosecutors have been fined for false complaints whenever the prisoners could not be convicted, so that some conviction might follow.

503. Do you not consider that such a feeling is likely to have a very bad effect on the state of the Police?—I do; a Magistrate has now to consider whether a conviction is likely to follow before he authorizes an offender to be apprehended. In cases of dacoity, a dacoit may confess and name twenty others, all these men should be apprehended with a view to ascertain whether evidence may not be procured for their conviction, and yet the Magistrate may be blamed if they are all eventually released.

591. The Court direct me to remark that the foregoing observations furnish a full reply to the 39th and following paragraphs of the extract from a report from the late Lieutenant Governor of the North Western Provinces dated 10th December 1837 on the state of the administration during the year 1836, in the department of

civil and criminal justice and of Police in the North Western Provinces which accompanied your letter No. 525 of the 6th March last. The Court now propose to submit the information called for by the 35th paragraph of the same extract.

592. Two statements of the same nature as that of No. 12 alluded to in the report of the late Lieutenant Governor of the North Western Provinces have been prepared for the years 1836 and 1837. It appears from these, that rejecting some extensive and peculiar cases, an average of 183 criminal trials in the former year gave an average duration from the date of the crime to the final sentence of the Court of 175 days. Of this period 27 elapsed prior to apprehension, 48 in the proceedings before the Magistrate, and 47 before the Session Judge. Thirteen days were lost in the transmission of proceedings to the Nizamut Adawlut, and 43 occupied by the investigation there.

593. In the year 1837 an average of 179* trials under the same circumstances give an average duration of 165 days. Of this period 22 days elapsed prior to apprehension, 50 in the proceedings before the Magistrate, and 44 in the Sessions Court. Fourteen days were lost in the transmission of proceedings to the Nizamut Adawlut and 29 occupied in the investigation there.

* It is to be observed that the number 179 includes only the criminal trials referred during the year from the Regulation Provinces. The total number of trials under reference to the Court during the year 1837 was 287 as per following statement:

	Regulation. Provinces	*Extra Regulation Provinces and Thug trials.*	*Total.*
Pending in 1836,.....	23	4	27
Referred in 1837,.....	179	81	260
			287
Decided in 1837,.....			234
			53

There were 59 Thug trials, all of which were returned for further investigation after the close of the year.

594. From the foregoing statement it will be seen that the time occupied in the investigation of a case in the presidency Court far exceeds that occupied in the same manner in the Nizamut Adawlut of the North Western Provinces. It appears from a reference which was made to the Western Court with a view to account for the fact, that this great difference is occasioned by the different modes of proceeding adopted in the two Courts in regard to the disposal of criminal trials. In the presidency Court the cases are distributed among the Judges once a week, and thus a case requiring a second voice can seldom be laid before a second Judge under ten days or a fortnight: while in the Western Court all trials after passing through the prescribed office forms are immediately distributed to the Judges and are taken up and decided as soon as the other business will permit; the same course being observed in regard to cases, in which it may be found necessary, or considered proper to have a second opinion, and which are distributed, in like manner, without delay for that purpose. The Court propose to adopt the plan pursued in the Western Court, by which the trials will be disposed of with much greater expedition.

595. The majority of the Session Judges have neglected to state the time usually occupied in the various stages of the cases committed to the Sessions. The Court will call their attention to this point, and enjoin a more strict observance of the orders which have been issued on the subject, in submitting their reports for the current year.

596. The remarks of the Judges on the state of the jails of their several districts will form the subject of a separate report.

I am,

Sir,

Your most obedient Servant,

J. HAWKINS, *Register.*

FORT WILLIAM,
The 7th September, 1838.

LIST MARKED A.

1. No. 1.—Abstract Statement shewing the number of persons under trial, acquitted and convicted in the year 1837, before the Sudder Ameens, Assistant Joint Magistrates and Magistrates in the Lower Provinces, and the number committed to take their trial at the Sessions, giving the following general result:

Under trial during the year,			62404
Acquitted,		20599	
Convicted,		36071	
Committed,		3945	
Casualties, &c.,		421	
Under trial—			
Jail,	486	1368	
Bail,	882		62404

2. No. 12.—Abstract Statement shewing the number of persons brought to trial, acquitted and convicted in the year 1837, by the Session Judges and Commissioners of Circuit in the Lower Provinces, and the number whose cases were referred to the Nizamut Adawlut, giving the following general result:

Under trial during the year,		4421
Acquitted,	903	
Convicted,	2414	
Referred,	541	
Casualties, &c.,	140	
Under trial,	423	4421

3. No. 14.—Abstract Statement shewing the number of persons whose cases were referred to the Nizamut Adawlut during the year 1837, and the manner in which they have been disposed of, giving the following general result:

Under trial during the year,		690
Acquitted,	119	
Convicted,	417	
Returned to the Session Judges,	26	
Casualties,	1	
Under trial,	127	690

4. Statement No. 1.—For the following districts:

Behar.	Rungpore.	Tippera.
City Patna.	Bugoorah.	Noacolly.
Sarun.	Beerbhoom.	Jessore.
Shahabad.	City Moorshedabad.	Backergunge.
Bhaugulpore.	East Burdwan.	Nuddea.

Monghyr.	West Burdwan.	24-Pergunnahs.
Purnea.	Hooghly.	Baraset.
Tirhoot.	Dacca.	Cuttack.
Dinagepore.	Furreedpore.	Sn. Division Cuttack.
Malda.	Mymensing.	Balasore.
Rajeshaye.	Sylhet.	Midnapore.
Pubna.	Chittagong.	

5. Statement No. 12.—For the following districts:

Behar.	Bhaugulpore.	Dinagepore.
City Patna.	Monghyr.	Malda.
Sarun.	Purnea.	Rajeshaye.
Shahabad.	Tirhoot.	Pubna.
Rungpore.	Furreedpore.	Nuddea.
Bogoorah.	Mymensing.	24-Pergunnahs.
Beerbhoom.	Sylhet.	Baraset.
City Moorshedabad.	Chittagong.	Cuttack.
East Burdwan.	Tipperah.	Sn. Division Cuttack.
West Burdwan.	Noacolly.	Balasore.
Hooghly.	Jessore.	Midnapore.
Dacca.	Backergunge.	

6. Statement No. 14.—For the following districts:

Behar..	Rungpore.	Tipperah.
City Patna.	Bogoorah.	Noacolly.
Sarun.	Beerbhoom.	Jessore.
Shahabad.	City Moorshedabad.	Backergunge.
Bhaugulpore.	East Burdwan.	Nuddea.
Monghyr.	West Burdwan.	24-Pergunnahs.
Purnea.	Hooghly.	Baraset.
Tirhoot.	Dacca.	Cuttack.
Dinagepore.	Furreedpore.	Sn. Divison Cuttack.
Malda.	Mymensing.	Balasore.
Rajeshaye.	Sylhet.	Midnapore.
Pubna.	Chittagong.	

7. General Abstract of the Statements Nos. 1, 12 and 14 prepared in the Register's office.

8. Statement No. 13.—Shewing the number of appeals preferred to the Nizamut Adawlut from sentences passed by the Commissioners of Circuit and Session Judges in criminal trials and from orders passed by the Commissioner in cases of a miscellaneous nature during 1837 with the orders passed thereon, together with an abstract statement of criminal trials decided and disposed of during the same year.

9. Statement No. 11.—For the same district shewing the number of appeals preferred to Commissioners from the orders of the Magistrate and Joint Magistrate in criminal trials and in cases of a miscellaneous nature during the year 1837. This statement will be found entered on the back of Statement No. 12.

10. Statement No. 15.—For certain districts giving an abstract calendar of persons convicted and acquitted by the Magistrates, Joint Magistrates, &c. during the year 1837.

11. Statement No. 17.—For certain districts shewing the prisoners that were confined in the jails of the Divisions during the year 1837.

Note.—Statements 15 and 17 have not all been received from the Session Judges, but as the substance of them is comprised in the report and statements now submitted, it has not been thought necessary to delay any longer the transmission of the report.

No. 1 of List A.

***STATEMENT** of crimes committed in the several Zillahs in 1837, and of the number of persons under trial, acquitted and convicted before the Assistants, Principal Sudder Ameens, and before the Magistrates and Joint Magistrates, and the number committed to take their trial at the Sessions.*

	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
	DESCRIPTION OF CRIMES.	Number of crimes ascertained to have been committed during the year.	Number of persons under examination on the 1st January, 1837.		Number apprehended during the year or attending on summons.	Total under Trial.	Before the Assistant and Sudder Ameen and Principal Sudder Ameens.		Before the Magistrates and Joint Magistrates.			Under Trial on the 31st December, 1837.	
			In Jail.	On Bail.			Acquitted and Discharged.	Convicted and Sentenced.	Acquitted and Discharged.	Convicted and Sentenced.	Committed to the Sessions.	In Jail.	On Bail.
1	Murder, By Thugs,	0	0	0	0	0	0	0	0	0	0	0	0
2	Murder, On the River,	1	0	0	7	7	0	0	5	0	2	0	0
3	Murder, Other Cases,	236	65	9	818	892	4	0	344	1	503	27	0
4	Homicide not amounting to murder,	170	26	12	346	384	18	0	197	2	140	10	14
5	Dacoitee, With murder,	17	36	0	170	206	0	0	94	0	110	1	0
6	Dacoitee, „ torture,	6	5	0	72	77	0	0	10	0	65	2	0
7	Dacoitee, „ wounding or personal injury,	48	13	0	351	364	1	0	116	15	224	8	0
8	Dacoitee, Unattended with aggravating circumstances,	205	92	25	1651	1768	22	0	724	13	883	87	3
9	Dacoitee, Attempts to commit,	30	4	0	52	56	0	0	33	2	21	0	0
10	River Dacoitee, With murder,	1	0	0	10	10	0	0	1	0	5	0	0
11	River Dacoitee, „ wounding or personal injury,	0	0	0	0	0	0	0	0	0	0	0	0
12	River Dacoitee, Unattended with aggravating circumstances,	6	11	0	51	62	3	0	13	11	13	20	0
13	River Dacoitee, Attempts to commit,	0	0	0	0	0	0	0	0	0	0	0	0
14	Highway Robbery, With murder,	5	0	0	25	25	0	0	15	0	10	0	0
15	Highway Robbery, „ wounding or personal injury,	26	6	0	71	77	0	0	25	0	45	2	5
16	Highway Robbery, Unattended with aggravating circumstances,	37	6	0	96	102	0	0	42	0	70	0	0
17	Burglary, With murder,	0	0	0	0	0	0	0	0	0	0	0	0
18	Burglary, „ wounding or personal injury,	18	0	0	62	62	0	0	12	17	33	0	0
19	Burglary, Unattended with aggravating circumstances,	4420	45	3	2962	2410	39	49	711	1223	327	48	1
20	Burglary, Attempts to commit,	1886	0	0	139	139	3	4	28	82	16	6	0
21	Theft, including cattle stealing, With murder including of children,	16	2	0	47	49	0	0	22	0	27	0	0
22	Theft, including cattle stealing, „ wounding or personal injury,	14	0	0	38	38	0	0	18	7	11	1	0
23	Theft, including cattle stealing, Unattended with aggravating circumstances,	9278	78	26	7482	7586	406	659	2144	4119	95	96	19
24	Receiving stolen or plundered property,	193	5	1	548	554	3	9	107	315	100	9	7
25	Child stealing, For the purpose of selling in slavery,	5	0	0	11	11	0	2	6	1	0	0	2
26	Child stealing, For the sake of ornaments,	0	0	0	5	5	0	0	0	0	5	0	0
27	Illegal purchase or sale of slaves,	6	2	0	14	16	2	0	3	5	0	0	6
28	Affrays, With homicide,	26	105	13	530	648	5	0	237	1	374	19	1
29	Affrays, „ violent breach of the peace,	92	21	115	1203	1339	95	51	401	582	179	1	25
30	Assaults with wounding or personal injury,	317	25	49	1342	1416	74	111	411	637	97	18	50
31	Arson,	73	5	3	172	180	17	0	83	4	72	0	1
32	Forgery or uttering forged Deeds,	47	6	9	124	139	3	0	52	0	69	2	4
33	Suttee, aiding and abetting,	7	6	0	54	60	0	0	21	15	23	0	0
34	All miscellaneous crimes and offences not included in the above,	26502	155	1243	42324	43722	5656	9995	8384	18139	429	129	744
	Total,	43688	719	1508	60177	62404	6351	10880	14259	25191	3948	486	882
								Add	6351	10880			
									20610	36071			
	Deduct died,								11	0	3	0	0
									20599	36071	3945	486	882
												1368	

Remarks.

Number apprehended during the year or attending on summons as per column 6.

By the Police Darogahs.	By the Magistrate and his Subordinates.	Total.
22,157	28,796	50,953

Acquitted and discharged as per Memorandum A.,	20,599
Convicted and sentenced as per Memorandum B.,	36,071
Committed to the Sessions,	3,945
Died in Jail,	98
Escaped,	88
Transferred to other jurisdictions,	235
Remaining under Trial,	1,368

Total under Trial as per column 7, ... Males, 60,945; Females, 1,459 — 62,404

A. *Acquitted and Discharged.*	By Assistants, Sudder Ameens, &c.	By Magistrate and Joint Magistrate.	Total.
By non-attendance of Prosecutor,	161	114	275
By compromise,	600	575	1175
On recognizance,	390	1257	1647
On reprimand,	75	291	366
Without recognizance,	3866	9968	13834
Total,	5092	12205	17297*

B. *Convicted and Sentenced.*			
To be imprisoned for a term of: 3 years,	16	519	535
2 years and upwards,	10	1098	1108
1 year and upwards,	30	1685	1715
6 months and upwards,	241	2869	3110
Less than 6 months,	3324	7900	11224
Fined and discharged as per Memorandum C.,	7183	9202	16385
Required to furnish security,	22	1282	1304
Convicts flogged,	1	118	119
Dismissed from employ, &c.,	58	513	571
Total,	10885	25186	36071

C. *Detail of fines imposed on the prisoners fined and discharged.*			
Above 100 and not exceeding 200 Rupees,	3	63	66
— 50 — 100 —	127	153	280
— 25 — 50 —	431	1058	1489
— 10 — 25 —	1457	1451	2908
— 5 — 10 —	1023	1374	2397
— 1 — 5 —	3702-8	4456	8158-8
Less than one Rupee,	626	591	1217
Total,	7369-8	9146	16515-8

* The discrepancy in the detail of Memorandum A., is owing to some returns having been furnished according to the old form which does not contain this information.

No. 2 of List A.

No. 12.

***STATEMENT** shewing the number of persons brought to trial, acquitted and convicted in the year 1837 by the Session Judges in the Lower Provinces, and the number of persons whose cases were referred to the Nizamut Adawlut.*

	2.	3.	4.	5.	6.	7.	8.	9.	10.
	DESCRIPTION OF CRIMES.	Number of persons in cases postponed or under trial 1st January, 1837.	Committed during the year 1837.	Received back after reference to the Nizamut Adawlut.	Total under Trial.	Acquitted and discharged.	Convicted and sentenced.	Referred to the Nizamut Adawlut.	Under trial on the 31st December, 1837.
1	Murder, ... By Thugs,	1	6	0	7	0	0	6	0
2	Murder, ... On the River,	0	2	0	2	0	0	2	0
3	Murder, ... Other Cases,	77	500	6	583	138	165	214	56
4	Homicide not amounting to murder,	24	141	2	167	49	91	3	24
5	Dacoitee, ... With murder,	12	108	0	120	12	3	98	2
6	Dacoitee, ... " torture,	0	65	0	65	13	52	0	0
7	Dacoitee, ... " wounding or personal injury,	47	211	0	258	56	172	15	12
8	Dacoitee, ... Unattended with aggravating circumstances,	51	884	0	942	173	660	25	64
9	Dacoitee, ... Attempts to commit,	0	35	0	35	3	26	4	2
10	River Dacoitee, ... With murder,	0	20	0	20	3	9	7	0
11	River Dacoitee, ... " wounding or personal injury,	0	0	0	0	0	0	0	0
12	River Dacoitee, ... Unattended with aggravating circumstances,	1	13	0	14	5	9	0	0
13	River Dacoitee, ... Attempts to commit,	0	0	0	0	0	0	0	0
14	Highway Robbery, ... With murder,	0	10	0	10	0	0	10	0
15	Highway Robbery, ... " wounding,	1	44	0	45	2	39	2	1
16	Highway Robbery, ... Unattended with aggravating circumstances,	4	70	0	74	12	58	0	4
17	Burglary, ... With murder,	0	0	0	0	0	0	0	0
18	Burglary, ... " wounding or personal injury,	0	30	0	30	5	25	0	0
19	Burglary, ... Unattended with aggravating circumstances,	29	330	0	359	38	286	4	52
20	Burglary, ... Attempts to commit,	0	16	0	16	0	15	0	1
21	Theft, including cattle stealing, ... With murder,	0	22	3	25	3	3	16	3
22	Theft, including cattle stealing, ... " wounding or personal injury,	3	20	0	23	2	20	1	0
23	Theft, including cattle stealing, ... Unattended with aggravating circumstances,	3	85	0	88	4	60	0	16
24	Receiving stolen or plundered property,	13	95	0	108	36	49	4	17
25	Child stealing, ... For the purpose of selling or slavery,	0	0	0	0	0	0	0	0
26	Child stealing, ... For the sake of ornaments,	0	5	0	5	0	0	5	0
27	Illegal purchase or sale of slaves,	0	0	0	0	0	0	0	0
28	Affrays, ... With Homicide,	73	379	0	452	69	283	2	93
29	Affrays, ... Violent breach of the peace,	37	184	8	229	71	78	38	15
30	Assaults with wounding or personal injury,	4	104	35	143	28	69	36	11
31	Arson,	7	77	0	84	35	47	0	2
32	Forgery or uttering forged Deeds,	2	65	0	67	19	33	12	0
33	Suttee, aiding and abetting,	0	23	0	23	8	15	0	0
34	All miscellaneous crimes and offences not included in the above,	36	386	2	424	119	197	36	48
	Total, ...	425	3930	56	4411	903	2414	541	423
	Add discrepancy in statement for Tirhoot, ...				10				
					4421				

Remarks.

Acquitted and discharged,	903
Convicted and Sentenced as per Mem. A.	2414
Referred to the Nizamut Adawlut,	541
Commitments annulled,	89
Died in Jail,	38
Escaped after commitment,	4
Transferred to other authorities,	7
Received back after reference to Nizamut Adawlut,	2
Remaining under trial,	423

Total under trial, as per Column 6,... Males, ... 4084; Females, ... 337 — 4421

A. Convicted and Sentenced.

	Total sentenced.	Of whom were sentenced to: Labor in Irons.	Banishment.	Tusheer.	Fine.
To be imprisoned for the period of 14 years and upwards,	145	72	97	0	0
7 years and upwards,	821	670	116	13	2
3 years and upwards,	993	656	5	39	80
1 year and upwards,	324	136	2	0	227
Less than one year,	112	26	0	0	30
To be fined and discharged as per Memo. B...	19	0	0	0	0
Total, ...	2414	1560	220	52	339

B.

Detail of Fines imposed on the persons Fined and Discharged.

Above 500 and not exceeding 1000 Rupees,	0
250 ..... 500 "	0
100 ..... 250 "	1
50 ..... 100 "	11
Less than 50	19
Total, ...	31

J. HAWKINS, *Register.*

No. 3 of List A.

No. 14.

***STATEMENT** shewing the number of Persons whose cases were referred to the Nizamut Adawlut by the Commissioner of Circuit and Session Judge for the Lower Provinces during the year 1837, and the manner in which they were disposed of.*

1.	2. DESCRIPTION OF CRIMES.	3. Number of Persons in cases postponed or pending on the 1st January, 1837.	4. Specially referred.	5. Not specially referred.	6. Total under trial.	7. Acquitted and discharged.	8. Convicted and sentenced.	9. Returned after reference to the Nizamut Adawlut.	10. Under trial on the 1st January, 1838.
1	Murder, By Thugs,	2	6	0	8	1	1	0	6
2	Murder, On the River,	0	0	0	0	0	0	0	0
3	Murder, Other Cases,	27	224	0	251	36	158	11	46
4	Homicide not amounting to murder,	0	1	0	1	0	0	0	1
5	Dacoitee, With murder,	26	100	0	126*	22	84	0	19
6	Dacoitee, " torture,	0	6	0	6	6	0	0	0
7	Dacoitee, " wounding or personal injury,	0	0	0	0	0	0	0	0
8	Dacoitee, Unattended with aggravating circumstances,	0	28	0	28	21	7	0	0
9	Dacoitee, Attempts to commit,	0	0	0	0	0	0	0	0
10	River Dacoitee, With murder	0	11	0	11	0	0	0	11
11	River Dacoitee, " wounding or personal injury,	0	0	0	0	0	0	0	0
12	River Dacoitee, Unattended with aggravating circumstances,	0	3	0	3	3	0	0	0
13	River Dacoitee, Attempts to commit,	0	0	0	0	0	0	0	0
14	Highway Robbery, With murder,	0	10	0	10	0	4	0	6
15	Highway Robbery, " wounding,	1	1	0	2	0	2	0	0
16	Highway Robbery, Unattended with aggravating circumstances,	0	0	0	0	0	0	0	0
17	Burglary, With murder,	0	0	0	0	0	0	0	0
18	Burglary, " wounding or personal injury,	0	1	0	1	0	1	0	0
19	Burglary, Unattended with aggravating circumstances,	0	3	0	3	0	0	1	2
20	Burglary, Attempts to commit,	0	0	0	0	0	0	0	0
21	Thefts, including Cattle Stealing, With murder, including of children,	0	4	0	4	0	1	3	0
22	Thefts, including Cattle Stealing, " wounding or personal injury,	0	0	0	0	0	0	0	0
23	Thefts, including Cattle Stealing, Unattended with aggravating circumstances,	0	0	0	0	0	0	0	0
24	Receiving stolen or plundered property,	1	2	0	3	1	1	1	0
25	Child Stealing, For the purpose of selling or slavery,	0	0	0	0	0	0	0	0
26	Child Stealing, For the sake of ornaments,	0	0	0	0	0	0	0	0
27	Illegal purchase or sale of Slaves,	0	0	0	0	0	0	0	0
28	Affrays, With homicide,	0	8	0	8	3	5	0	0
29	Affrays, " violent breach of the Peace,	0	8	0	8	0	0	8	0
30	Assaults with wounding or personal injury,	0	35	0	35	0	35	0	0
31	Arson,	0	0	0	0	0	0	0	0
32	Forgery or uttering Forged Deeds,	0	11	0	11	10	1	0	0
33	Sutteeism, aiding and abetting,	0	0	0	0	0	0	0	0
34	All miscellaneous crimes and offences not included in the above,	84	87	0	171	16	117	2	36
	Total,	141	549	0	690	119	417	26	127

Remarks.

Under Trial.	
Males,	678
Females,	12
Total,	690

Convicted and Sentenced.	
To Death,	30
Transportation,	9
Imprisonment for Life,	100
16 Years,	0
15 "	0
14 "	72
13 "	2
12 "	0
11 "	0
10 "	8
9 "	1
8 "	1
7 "	31
6 "	0
5 "	43
4 "	40
3 "	30
2 "	2
1 "	7
Less than 1 "	6
Fined and Discharged,	0
Imprisonment for remaining period of their imprisonment,	35
Total Convicted and Sentenced,	417
Total Acquitted and Discharged,	119
Died in Jail,	1
Escaped after Commitment,	0
Returned after Reference,	26
Remaining for Trial,	127
Total under Trial,	690

	Rs.	As.	Ps.
Fines imposed under Regulation II. 1834,			
Amount Realized,			

* Died in Jail.

N. B. Care to be taken that the 4th and 9th columns corresponds with the 4th and 5th columns of No. 11.

1 Escaped included.

J. HAWKINS, *Register.*

No. 7 of List A.

ABSTRACT of Statements No. 1, 12 and 14 on the Administration of Criminal Justice for the Year 1837.

ZILLAHS.	Abstract of Statement No. 1, shewing the number of prisoners brought to trial, &c. before the Magistrates, Assistants and Sudder Ameens.										Abstract of Statement No. 12, shewing the number of prisoners committed for trial, &c. before Commissioners of Circuit or Session Judges.										Abstract of Statement No. 14, shewing the number of prisoners referred for trial, &c. to the Nizamut Adawlut.									
	Remaining on the 1st January, 1837.		Apprehended.	Total.	Convicted.	Discharged.	Committed.	Casualties.	Transferred to other Districts.	Remaining on the 31st December, 1837.	Pending 1st January, 1837.	Committed.	Received back after reference to the Nizamut Adawlut.	Total.	Convicted.	Acquitted.	Referred.	Casualties.	Commitment annulled.	Pending on the 31st December, 1837.	Pending 1st January, 1837.	Specially referred.	Not specially referred.	Total.	Convicted.	Acquitted.	Insane.	Casualties.	Returned after reference to the Nizamut Adawlut.	Remaining on the 31st December, 1837.
Behar, Jail,	48	123	2116	2239	689	1020	488	10	0	In Jail, 8	32	39	491	0	530	350	120	52	7	2	1	17	50	0	67	29	22	0	0	3	13
Behar, Bail,	75									On Bail, 24																					
City Patna, Jail,	26	92	2705	2797	1325	1247	192	14	2	In Jail, 4	17	3	191	5	199	100	53	20	0	10	16	1	20	0	21	10	5	0	0	5	1
City Patna, Bail,	66									On Bail, 13																					
Sarun and Chumparun, Jail,	66	147	2306	2453	1013	1167	107	4	26	Jail, 55	136	54	107	0	161	107	25	7	1	1	15	1	7	0	8	8	0	0	0	0	0
Sarun and Chumparun, Bail,	81									Bail, 81																					
Shahabad, Jail,	45	79	1857	1936	995	736	175	4	2	Jail, 3	24	9	175	0	184	143	20	11	0	0	10	0	11	0	11	11	0	0	0	0	0
Shahabad, Bail,	34									Bail, 21																					
Bhaugulpore, Jail,	4	9	1252	1261	850	237	158	6	3	Jail, 4	7	0	157	0	157	100	22	11	8	3	13	0	31	0	31	21	1	0	0	0	9
Bhaugulpore, Bail,	5									Bail, 3																					
Monghyr, Jail,	20	67	1630	1697	1014	587	62	8	5	Jail, 3	21	34	62	0	96	49	18	20	9	0	1										
Monghyr, Bail,	47									Bail, 18																					
Purnea, Jail,	33	81	1857	1938	892	774	231	2	0	Jail, 7	39	6	231	3	240	125	38	6	4	0	69	11	6	0	17	8	7	1	0	1	0
Purnea, Bail,	48									Bail, 32																					
Tirhoot, Jail,	11	24	1899	1923	1092	729	61	8	0	Jail, 6	23	0	51	0	51*	39	21	1	0	0	0	0	1	0	1	0	1	0	0	0	0
Tirhoot, Bail,	13									Bail, 27																					
Dinagepore, Jail,	1	1	1602	1603	1277	260	66	0	0	,,	0	29	217	0	246	139	24	58	5	0	20	1	58	0	59	9	1	0	0	0	49
Dinagepore, Bail,	0																														
Malda, Jail,	11	20	1265	1285	822	301	151	1	7	Jail, 1	3																				
Malda, Bail,	9									Bail, 2																					
Rajeshaye, Jail,	1	32	1488	1520	888	543	57	3	10	Jail, 0	19	44	173	0	217	65	78	23	0	0	51	0	25	0	25	23	0	2	0	0	0
Rajeshaye, Bail,	31									Bail, 19																					
Pubna, Jail,	73	221	2202	2423	1213	1002	119	2	3	Jail, 13	84																				
Pubna, Bail,	148									Bail, 71																					
Rungpore, Jail,	12	35	2159	2194	1797	288	101	2	0	Jail, 0	6	12	127	0	139	95	19	11	0	1	13	4	11	0	15	12	1	1	0	0	1
Rungpore, Bail,	23									Bail, 6																					
Bogra, Jail,	3	20	713	733	459	245	26	0	2	Jail, 0	1																				
Bogra, Bail,	17									Bail, 1																					
Beerbhoom, Jail,	0	82	2347	2429	1674	580	33	18	117	Jail, 4	7	0	33	0	33	20	12	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Beerbhoom, Bail,	82									Bail, 3																					
Moorshedabad, Jail,	38	166	1724	1890	875	799	43	13	10	Jail, 63	150	8	42	0	50	29	15	2	2	0	2	0	2	0	2	0	1	0	0	0	1
Moorshedabad, Bail,	128									Bail, 87																					
Burdwan, Jail,	18	76	1779	1855	948	749	128	3	10	Jail, 2	17	16	128	0	144	43	40	19	0	26	15	0	29	0	29	15	12	0	0	2	0
Burdwan, Bail,	58									Bail, 15																					
Bancoorah, Jail,	1	12	1026	1038	700	244	35	1	2	Jail, 25	56	3	35	0	38	5	10	10	0	0	13										
Bancoorah, Bail,	11									Bail, 31																					
Hoogly, Jail,	3	48	2725	2773	1415	1205	75	5	4	Jail, 26	69	3	75	0	78	14	24	20	0	0	20	1	20	0	21	5	4	0	0	0	12
Hoogly, Bail,	45									Bail, 43																					
Dacca, Jail,	3	35	1443	1478	934	416	72	1	0	Jail, 13	55	34	78	35	147	49	40	55	0	3	3	3	66	0	69	46	14	1	0	0	8
Dacca, Bail,	32									Bail, 42																					
Furreedpore, Jail,	13	67	1148	1215	937	191	66	4	2	Jail, 2	15	0	66	0	66	34	12	10	0	0	10										
Furreedpore, Bail,	54									Bail, 13																					
Mymensing, Jail,	31	71	1051	1122	522	504	172	39	0	Jail, 41	85	6	170	0	176	67	36	10	1	0	62	6	10	0	16	7	6	1	0	2	0
Mymensing, Bail,	40									Bail, 44																					
Sylhet, Jail,	45	84	2681	2765	1374	1091	223	6	2	Jail, 20	69	19	222	0	241	141	58	39	3	0	0	0	44	0	44	39	1	0	1	0	3
Sylhet, Bail,	39									Bail, 49																					
Chittagong, Jail,	9	48	2078	2126	1049	913	124	2	0	Jail, 5	38	12	124	13	149	57	73	13	0	0	6	0	14	0	14	0	1	0	0	13	0
Chittagong, Bail,	39									Bail, 33																					
Tipperah, Jail,	24	98	1617	1715	1216	383	96	2	3	Jail, 2	15	0	129	0	129	71	32	24	1	0	1	1	24	0	25	8	3	0	0	0	14
Tipperah, Bail,	74									Bail, 13																					
Noacolly, Jail,	8	55	748	803	468	268	35	3	0	Jail, 10	29																				
Noacolly, Bail,	47									Bail, 19																					
Jessore, Jail,	23	76	1851	1927	1162	634	92	3	1	Jail, 11	35	20	92	0	112	72	14	6	0	0	20	0	6	0	6	5	1	0	0	0	0
Jessore, Bail,	53									Bail, 24																					
Backergunge, Jail,	22	107	2727	2834	2112	537	144	1	2	Jail, 23	38	27	143	0	170	101	6	17	0	45	1	8	17	0	25	18	6	1	0	0	0
Backergunge, Bail,	85									Bail, 15																					
Nuddea, Jail,	45	90	2116	2206	1402	648	120	1	0	Jail, 20	35	2	120	0	122	49	16	24	2	0	31	4	24	0	28	10	17	0	0	0	1
Nuddea, Bail,	45									Bail, 15																					
24-Pergunnahs, Jail,	4	13	1901	1914	1483	373	80	0	5	Jail, 9	23	17	135	0	152	89	45	16	0	0	2	0	16	0	16	10	5	0	0	0	1
24-Pergunnahs, Bail,	9									Bail, 14																					
Baraset, Jail,	13	27	799	836	375	283	59	3	0	Jail, 47	106																				
Baraset, Bail,	14									Bail, 59																					
Cuttack, Jail,	4	12	1693	1705	1076	477	137	2	2	Jail, 7	11	By S.J.																			
Cuttack, Bail,	8									Bail, 4		4	260	0	264	216	14	27	0	0	0	82	32	0	114	104	2	0	0	0	8
Sn. Division Cuttack, Jail,	1	3	1186	1189	600	439	123	5	0	Jail, 18	22																				
Sn. Division Cuttack, Bail,	2									Bail, 4																					
Balasore, Jail,	6	19	534	553	297	197	21	0	13	Jail, 13	25	0	23	0	23	15	4	4	0	0	0										
Balasore, Bail,	13									Bail, 12																					
Midnapore, including Hidgelee, Jail,	54	87	1952	2039	1176	732	73	10	2	Jail, 21	46	24	73	0	97	30	14	25	1	0	28	1	25	0	26	19	0	1	0	0	6
Midnapore, including Hidgelee, Bail,	33									Bail, 25																					
Total, Jail,	719	2227	60177	62404	36071	20599	3945	186	235	Jail, 486	1368	425	3930	56	4411	2414	903	541	45	91	423	141	549	0	690	417	111	8	1	26	127
Total, Bail,	1508									Bail, 882		Add discrepancy in Statement Tirhoot,			10																
															4421																

* Add discrepancy of 10 in Statement for Tirhoot.

J. HAWKINS, *Register.*

No. 8 of List A.

No. 13.

STATEMENT shewing the number of Appeals preferred to the Nizamut Adawlut from Sentences passed by the Commissioner of Circuit and Session Judges in Criminal Trials and from orders passed by the Commissioner in cases of Miscellaneous nature during the year 1837, with the orders passed thereon, together with an Abstract Statement of Criminal trials decided and disposed of during the year.

	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.
	From Sentence of Commissioner of Circuit and Sessions Judges on Criminal Trials, including the cases called for on inspection of the Statement.						From orders passed by the Commisioners in cases of a Miscellaneous Nature.								
	Pending on the 1st January, 1837.	Preferred during the month.	Total.	Order if confirmed.	Order modified or reversed.	Pending at the end of the year 1837.	Pending on the 1st January, 1837.	Preferred during the month.	Total.	Order if confirmed.	Appeal rejected as not cognizable.	Order modified or reversed.	Withdrawn from file.	Cases referred for the order of Government.	Pending at the end of the year 1837.
11th Division. Commissioner of Circuit,	0	0	0	0	0	0	2	8	10	3	1	1	4	0	1
Session Judge of Shahabad,	0	4	4	0	2	2	0	12	12	8	0	1	0	0	3
Ditto Sarun,	0	3	3	2	1	0	0	15	15	9	0	0	4	0	2
Ditto Behar,	1	16	17	0	3	14	0	13	13	7	0	2	2	0	2
Ditto Patna,	1	6	7	1	6	0	0	7	7	3	0	1	3	0	0
12th Division. Commissioner of Circuit,	0	3	3	1	1	1	3	6	9	4	1	2	2	0	0
Session Judge of Tirhoot,	0	0	0	0	0	0	0	2	2	1	0	0	0	0	1
Ditto Bhaugulpore,	0	3	3	1	1	1	0	5	5	2	0	0	2	0	1
Ditto Purnea,	0	4	4	1	1	2	0	6	6	5	0	0	1	0	0
13th Division. Commissioner of Circuit,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Session Judge of Dinagepore,	0	8	8	0	8	0	0	5	5	2	0	1	1	0	1
Ditto Rajeshye,	1	1	2	1	1	0	0	7	7	1	0	0	2	0	4
Ditto Rungpore,	0	4	4	2	1	1	0	1	1	1	0	0	0	0	0
14th Division. Commissioner of Circuit,	3	3	6	1	3	2	5	17	22	8	6	2	5	0	1
Session Judge of Moorshedabad,	0	3	3	0	2	1	0	5	5	3	0	0	1	0	1
Ditto Beerbhoom,	0	1	1	0	1	0	0	1	1	1	0	0	0	0	0
Ditto Nuddea,	1	1	2	2	0	0	0	11	11	2	0	4	4	0	1
Ditto Burdwan,	0	3	3	1	1	1	0	11	11	2	0	0	5	0	4
15th Division. Commissioner of Circuit,	1	1	2	2	0	0	2	11	13	4	2	1	3	0	3
Session Judge of Mymensing,	0	0	0	0	0	0	0	3	3	0	0	0	1	0	2
Ditto Dacca,	1	5	6	2	3	1	0	30	30	9	0	2	5	0	14
Ditto Backergunge,	1	8	9	5	3	1	0	26	26	10	0	0	14	0	2
Ditto Sylhet,	0	2	2	0	0	2	0	5	5	0	0	0	1	0	4
16th Division. Commissioner of Circuit,	1	10	11	4	6	1	7	17	24	11	1	4	6	0	2
Session Judge of Chittagong,	0	9	9	3	4	2	0	39	39	15	0	5	12	0	7
Ditto Tipperah,	0	5	5	2	0	3	0	13	13	3	0	0	2	0	8
17th Division. Commissioner of Circuit,	0	8	8	0	8	0	0	0	0	0	0	0	0	0	0
18th Division. Commissioner of Circuit,	2	0	2	1	1	0	3	8	11	7	1	0	2	0	1
Session Judge of Jessore,	0	6	6	3	2	1	0	30	30	15	0	2	7	0	6
Ditto 24-Pergunnahs,	0	4	4	0	1	3	0	18	18	6	0	0	8	0	4
Ditto Hooghly,	1	1	2	2	0	0	0	13	13	6	0	3	4	0	0
19th Division. Commissioner of Circuit,	1	1	2	0	1	1	2	3	5	2	0	1	2	0	0
Session Judge of Midnapore,	0	3	3	1	2	0	0	5	5	3	0	0	2	0	0
Ditto Cuttack,	0	2	2	0	1	1	0	2	2	1	0	0	0	0	1
Governor General's Agent at Hazareebaugh,	0	0	0	0	0	0	0	4	4	3	0	1	0	0	0
Commissioner of Arracan,	0	0	0	0	0	0	0	4	4	1	1	0	1	0	1
Commissioner of Tenasserim Provinces,	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0
Political Agent of Cheerapoongee,	0	1	1	0	1	0	0	0	0	0	0	0	0	0	0
Total,	15	130	145	39	65	41	24	363*	387	158	13	33	106	0	77
	104						310								

* Including 35 Appeals from the orders of Session Judges pending at the close of 1836.

Abstract Statement of Criminal Trials decided and disposed of by the Court of Nizamut Adawlut for the Lower Provinces, in the year 1837, and of the number depending at the end of that year.

	Trials referred under the Regulations.	Trials called for.	Total.
Depending on the 1st January, 1837, ...	27	15	42
Received in the year 1837, ...	260	130	300
Total, ...	287	145	432
Decided in the year 1837, ...	234	104	338
Depending on the 1st January, 1838, ...	53	41	94

Of the 338 Trials decided during the year

Mr. Rattray recorded his opinion on	78
„ Braddon ditto ditto ditto	124
„ D. C. Smith ditto ditto ditto	89
„ W. Money ditto ditto ditto	29
„ Hutchinson ditto ditto ditto	77‡
„ F. C. Smith	87
„ Harding	63
„ Reid	64
„ Halhed	1
Total opinions ...	612

‡ Mr. Hutchinson was absent on duty from the 1st July till the 11th September.

J. HAWKINS, *Register.*

No. 2914.

To F. J. HALLIDAY, ESQUIRE,

Secretary to Government of Bengal in the Judicial Department.

SIR,

Nizamut Adawlut.
Present.
W. Braddon and W. Money, Judges, } Esquires.

In continuation of my Letter No. 2832, dated the 7th instant, I am directed by the Court to transmit for the purpose of being laid before His Honor the Deputy Governor, the accompanying copies of their Resolutions on the Annual Criminal Statements of the extra Regulation Districts of Hazareebaugh, Assam, Arracan, and Tenasserim.

2. The observations of the Court in regard to the state of these Districts will be found recorded in the several Resolutions now submitted. The results exhibited are generally satisfactory, and do not appear to call for any further remarks.

I have the honor to be,
Sir,
Your obedient humble Servant,
J. HAWKINS, *Registr.*

FORT WILLIAM,
The 28th September, 1838.

HAZAREEBAUGH.

Captain L. Bird, Principal Assistant to the Governor General's Agent, had charge of this District during the past year.

* Acquitted, ...	542
Convicted, ...	548
Committed, ...	30
Died, ...	6
Escaped, ...	2
	1128

At the close of the year 1836 there were 25 persons under trial, all in jail; 1,103 persons were apprehended or summoned during the 1837, making a total of 1128. They were disposed of as noted in the margin.*

* Heinous Crimes,.....		141
Apprehended,.....	704	
Acquitted, ...	360	
Convicted, ...	310	
Petty offences,.....		115
Apprehended, ...	424	
Acquitted, ...	182	
Convicted, ...	238	

The marginal statement* shews the number of persons apprehended, committed and acquitted in "heinous crimes" as well as in "petty offences." The Court cannot consider the results to be altogether satisfactory.

There were only 4 persons under trial at the close of the year, which is very creditable to the officer in charge of the District.

No persons were in confinement at the close of the year in default of security for good conduct.

* Pending in 1836, ...	1
Preferred in 1837,.....	31
Total,.....	32
Confirmed, ...	20
Modified or reversed,	11
Pending, ...	1
	32

The marginal statement* shews the number of appeals preferred from the decisions of the Principal Assistant, and the manner of their disposal, and calls for no particular remark.

Manbhoom.

Lieutenant J. Hannyngton was in charge of this District during the past year.

* Acquitted, ...		497
Convicted,.....		702
Committed, ...		14
Died in Jail, ...		12
Escaped,.....		6
Transferred to other Districts, ...		12
Pending—		
In Jail,.....	14	29
On Bail, ...	15	
		1272

At the close of the year 1836 there were 60 persons under examination, viz. 24 in jail, and 36 on bail or personal recognizance; 1,212 persons were apprehended or summoned during the year 1837, making a total of 1272. They were disposed of as noted in the margin.*

* Heinous Crimes,.....		289
Apprehended,.....	597	
Acquitted, ...	292	
Convicted, ...	261	
Petty offences,.....		928
Apprehended,.....	675	
Acquitted, ...	205	
Convicted, ...	438	
* In Jail, ...	14	
On Bail, ...	15	
	29	

The marginal statement* shews the number of persons apprehended, convicted, and acquitted in "heinous crimes" as well as in "petty offences." The Court consider the results on the whole to be satisfactory.

The number of persons under examination at the close of the year, is noted in the margin,* and calls for no particular remark.

Twelve (12) persons were in confinement at the close of the year in default of security for good behaviour.

The number of appeals from the decisions of the Assistant, and the manner of their disposal, is noted in the margin.* The number of orders modified or reversed is considered large.

* Pending in 1836, ... 1
Preferred in 1837, ... 19
— 20

Confirmed, ... 5
Modified or reversed, 14
Pending, ... 1
— 20

Lohurdugga.

Mr. J. Davidson was in charge of this District during the past year.

At the close of the year 1836 there were 25 persons under examination, viz. 23 in jail and 2 on bail; 1,206 persons were apprehended or summoned during the year 1837, making a total of 1,231. They were disposed of as noted in the margin.*

* Acquitted, ... 589
Convicted, ... 556
Committed, ... 63
Died, ... 5
Escaped, ... 1
Remaining, ... 17
— 1231

The marginal statement* shews the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." Taking into account the number of commitments, the statement with regard to heinous crimes is not altogether unsatisfactory. The number of acquittals however in cases of a petty nature appear to the Court to be large when compared with the total number of persons summoned.

* Heinous Crimes,..... 309
Apprehended, ... 990
Convicted, ... 438
Acquitted, ... 466
Petty offences, ... 129
Apprehended, ... 241
Convicted, ... 118
Acquitted, ... 123

The number of persons under examination at the close of the year is stated in the margin,* and calls for no particular remark. The Court observe that the Principal Assistant has erroneously entered 23 persons as under examination in column 13 of his statement No. 1, including 5 who died in jail and 1 who escaped. He will be requested to correct the copy of the statement retained in his office.

* In Jail, ... 17

Fourteen (14) persons were in confinement at the close of the year in default of security for good conduct.

The marginal statement* shews the number of appeals from the decisions of the Assistant and the manner of their disposal, and is considered satisfactory.

* Pending in 1836, ... 2
Preferred in 1837, ... 29
— 31

Confirmed, ... 22
Modified or reversed, 9
— 31

Sessions Court.

Captain Wilkinson, Agent to the Governor General, exercised the powers of Session Judge within these three Districts during the past year.

At the close of the year 1836 there were 23 persons under trial—88 persons were committed for trial and 8 received back from the Nizamut Adawlut during the year, making a total of 119 persons under trial. These were disposed of in the manner shewn in the margin.* The results of the commitments are not considered to be satisfactory.

* Acquitted, ... 39
Convicted, ... 38
Referred to the Nizamut Adawlut, ... 21
Died in Jail, ... 11
Under trial, ... 10
— 119

No trials were called for in the past year, on revision of the jail delivery statements at the English sittings, nor were any appeals preferred to the Court from the decisions of the Governor General's Agent.

Nizamut Adawlut.

* Convicted,	13
Sent back,	7
Under trial,	1
	21

No cases were under reference to the Nizamut Adawlut at the beginning of 1837. Those which were referred during the year, amounting to 21, were disposed of in the manner shown in the margin.*

The following is an abstract of the sentences passed on the prisoners convicted in the District during the year 1837.

By the Nizamut Adawlut.

Death,	5
Imprisonment for life,	5
For 14 years,	2
For 2 ditto,	1
	13

By the Governor General's Agent.

Imprisonment for 14 years,	1
For 12 years,	1
For 8 ditto,	1
For 7 years and under,	35
	38

By the Principal Assistant at Hazareebaugh.

Imprisonment for 5 years,	3
For 4 ditto,	14
For 3 ditto,	3
For 1 and 2 years,	148
Less than one year,	328
Fined,	67
Dismissed,	5
	568

By the Principal Assistant at Manbhoom.

Imprisonment for 7 years,	1
For 5 ditto,	1
For 4 ditto,	15
For 1 year and less than 3,	155
Less than a year,	229
Fined,	218
Security required,	16
Dismissed,	67
	702

By the Principal Assistant at Lohurdugga.

Imprisonment for 7 years,	47
For 4 and 5 ditto,	9
For 3 ditto,	59
For 1 and 2 ditto,	185
Less than a year,	215
Fined,	25
Security required,	16
	556

GENERAL REMARKS.

The statements were submitted by Captain Wilkinson with his report dated 25th June last, and some of them, which were returned to him for correction, were re-submitted on the 21st August.

Captain Wilkinson observes that great attention is paid by his Assistants to the early disposal of criminal trials—of this remark the Court have a satisfactory confirmation in the small number of persons who were under examination at the end of the year.

The crime of dacoity appears to have been on the increase during some parts of 1837. This is accounted for, and as the Court believe, satisfactorily, by a scarcity which prevailed at the time.

The Court have noticed, in their separate resolutions on the state of the District during the first half of 1837, the great mortality which has occurred in the jails; and they trust that the measures which have been adopted and those which are in train for providing for the health of the prisoners, will have the desired effect.

The Court observe that 25 prisoners were tried during the year on charges of dacoitee and other serious crimes, and are in confinement under the immediate orders of the Government.

ASSAM.

Goalparah.

Captain A. Davidson, Principal Assistant, was in charge of this District to the end of October, when he was compelled to leave in consequence of ill health, and was relieved by Ensign Brodie, who continued in charge to the end of the year.

At the close of the year 1836, there were 34 persons under trial, viz. 11 in jail, and 23 on bail or personal recognizance—300 persons were apprehended or summoned in the course of the year 1837, making a total of 334. These persons were disposed of in the manner noted in the margin.*

* Acquitted,	152
Convicted,	146
Committed,	24
Died,	1
Remaining under trial,	11
	334

* Heinous crimes, ... 180
Apprehended, ... 131
Convicted, ... 63
Acquitted, ... 40
Petty offences,..... 92
Apprehended, ... 203
Convicted, ... 83
Acquitted, ... 112

The marginal statement* shews the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." The result under the head of heinous crimes is considered very satisfactory, but the proportion of acquittals to convictions in cases of a petty nature is large. The number of persons released in consequence of Razeenamehs having been filed, and of the non-attendance of prosecutors is not given in the statements submitted by the Commissioner.

* In Jail, ... 6
On Bail,..... 5
— 11

The number of persons under examination in jail or on bail at the end of the year is noted in the margin,* and is considered satisfactory.

Only one person was in confinement in this division in default of security for good conduct.

* Criminal trials.
Pending in 1836,..... 4
Preferred n 1837,..... 10
— 14

Confirmed..... 4
Reversed or modified, 4
Pending,..... 6
— 14

Miscellaneous cases.
Pending in 1836, ... 3
Preferred in 1837, ... 9
— 12

Confirmed..... 4
Reversed or modified, 6
Pending,..... 2
— 12

The number of appeals preferred from the orders of the Magistrate in criminal trials, as also in cases of a miscellaneous nature, and the result thereof, is noted in the margin.* The statement calls for no particular remark.

The Officiating Magistrate Ensign Brodie has submitted the following observations in regard to the extent of crime and the general character of the Police, in his letter to the address of the Commissioner under date 24th January last. "As I have been so short a time here I think it right to defer making any general remarks upon the state of the Police. I may however observe that from what I have heard from respectable individuals, neither heinous robberies nor petty thefts and burglaries are so common as they were a few years back. Generally speaking the burglaries and thefts are of trifling amount and attended with no aggravating circumstances—considering the slight fastenings people have to their houses, and the slight materials they are made of, I should think that most of the cases would be more properly entered under thefts than under the head of burglary.

"In a great number of the cases no parties have been apprehended; but this is easily accounted for by the fact of the most of them being of petty amount. The Magistrate is well aware that in such cases by directing particular local investigations or by summoning the parties who have lost their property, and their witnesses to a long distance from their homes he would be only adding to the mischief that had been done, and this is an evil that cannot be avoided till the whole Thannah system of India be put upon a better footing."

"Captain Davidson gave me a very favorable report of the Darogahs, and during the short time they have been under my charge, I have had no cause to be dissatisfied with the manner in which they have done their duties."

Kamroop.

This division was under charge of Captain Bogle from 1st January to 15th May, when he was relieved by Captain Matthie, who continued in charge of it for the remainder of the year.

At the close of the year 1836 there were 176 persons under trial, viz. 55 in jail and 121 on bail or personal recognizance, 1490 persons were apprehended or summoned during the year 1837, making a total of 1666. These persons were disposed of in the manner noted in the margin.*

* Acquitted, ... 1025
Convicted, ... 470
Committed, ... 52
Remaining, ... 119
1666

The marginal statement shews the number of persons apprehended, convicted and acquitted in heinous crimes, as well as in cases of a petty nature.* The result with regard to the apparently unnecessary summoning of numerous persons upon petty charges is by no means satisfactory.

* Heinous Crimes,..... 246
Apprehended, ... 610
Convicted, ... 219
Acquitted, ... 316
Petty offences, ... 370
Apprehended, ... 1055
Convicted, ... 251
Acquitted, ... 709

The number of persons acquitted in consequence of Razeenamehs having been filed, and of the non-attendance of prosecutors is not given in the statement submitted by the Officiating Commissioner.

The statement in the margin* shews the number of persons under examination in jail and on bail on the 31st December last. The total number under examination is large.

* In Jail, ... 17
On Bail, ... 102
119

Two persons were in confinement at the close of the year, in the jail of this division, in default of security for good behaviour.

The number of appeals preferred from the decisions of the Magistrate in criminal trials, as well as in cases of a miscellaneous nature, and the result, is noted in the margin.* Though the proportion of reversals to affirmations is large, the actual number of appeals with reference to that of cases decided is very small.

* Criminal trials.
Pending in 1836,..... 0
Admitted in 1837, ... 12
12
Confirmed, ... 3
Reversed or modified, 5
Pending, ... 4
— 12
Miscellaneous Cases
Pending in 1836, ... 2
Admitted in 1837, ... 2
4
Modified or reversed, 4

Captain J. Matthie was in charge of this division to the 23d February when he transferred it to Lieutenant Vetch: who continued in it to the close of the year.

Durung.

At the close of the year 1836 there were 14 persons under examination, viz. 6 in jail and 8 on bail or personal recognizance, 951 persons were apprehended or summoned during the year 1837, making a total of 965. They were disposed of in the manner noted in the margin.*

* Acquitted, ... 580
Convicted, ... 325
Committed,..... 32
Died, ... 1
Remaining, ... 27
965

The marginal statement shews the number of persons apprehended, convicted and acquitted in heinous crimes as well as in petty offences. As observed in the resolutions for the year 1836, the number of convictions bear a very unfavorable proportion to the number of persons acquitted and discharged, and the following remark of the Magistrate does not appear to the Court satisfactorily to account for it. " Of the less heinous offences the number is much the same as last year, the number of persons apprehended may appear large as compared with the convictions, but when it is considered that there is no populous town within the District where thieves can dispose of their stolen goods and that most of it is pawned off upon inno-

* Heinous Crimes,..... 332
Apprehended,..... 472
Convicted, ... 139
Acquitted, ... 289
Petty offences, ... 151
Apprehended,..... 493
Convicted, ... 186
Acquitted, ... 291

cent persons in barter for opium, &c. and that these are in many instances the clue by which the thieves are discovered, and thus, all through whose hands any article of the stolen property may have passed, become defendants in their turn, and thereby greatly swell the list of persons apprehended or summoned, although themselves not guilty."

The same omission as before noticed also occurs in the statement for this division with regard to the number of persons released in consequence of Razeenamehs having been filed, and of the non-attendance of prosecutors.

* In Jail, ... 8
On Bail, ... 19
27

The statement in the margin* shews the number of persons under examination at the close of the year and is considered to be satisfactory.

Only one person was in confinement in default of security for good behaviour at the close of the year.

* Confirmed, ... 1
Reversed or modified, ... 1
2

Only two appeals were preferred from the decisions of the Magistrate in criminal trials, and none in miscellaneous cases. The two cases were disposed of as marginally noted.*

Nowgong.

Ensign Brodie was in charge of the Nowgong division from the 1st January to the end of October. He then transferred it to Lieutenant Backhouse, who continued in charge to the close of the year.

* Acquitted, ... 861
Convicted, ... 260
Committed, ... 9
Remaining, ... 44
1174

There were 42 persons under examination at the close of the year 1836, viz. 2 in jail and 40 on bail or personal recognizance; 1,132 persons were apprehended or summoned during the year 1837, making a total of 1,174. They were disposed of as marginally noted.*

* Heinous Crimes,..... 267
Apprehended,..... 602
Convicted, ... 172
Acquitted, ... 407
Petty offences, ... 397
Apprehended,..... 574
Convicted, ... 88
Acquitted, ... 454

The marginal statement* shews the number of persons apprehended, convicted and acquitted, in heinous crimes, as well as in petty offences. The statement is by no means satisfactory, and tends to evince a great want of proper caution in the apprehension and summoning of parties charged with criminal offences.

The Court again notice the omission to mention the number of persons released in consequence of Razeenamehs having been filed, and the non-attendance of prosecutors.

* In Jail, ... 10
On Bail, ... 34
44

The number of persons under examination at the close of the year is noted in the margin,* and calls for no particular observation.

Only one person was in confinement in this division at the close of the year in default of security for good behaviour.

* Confirmed, ... 1
Reversed or modified,..... 1
2

The number of appeals preferred from the Magistrate's decisions in criminal trials was 2—which were disposed of as noted in the margin.* There were no appeals in cases of a miscellaneous nature.

At the close of the year 1836 there were 78 persons under trial, 117* were committed during the year 1837, making a total of 195. They were disposed of as noted in the margin.† The Court observe that the 6 prisoners who died, should not have been entered in column 7 of the statement under the head of acquitted.

Commissioner's Court.	
* Goalparah,	24
Kumroop,	52
Durung,	32
Nowgong,	9
	117

† Convicted,	87
Acquitted,	79
Referred to Nizamut Adawlut,	2
Died,	6
Remaining under trial,	21
	195

The Officiating Commissioner has given one general statement of prisoners committed to the Sessions for all the four districts under his control, which precludes the Court from giving any opinion in regard to the judgment and discretion evinced by the Magistrates in making the commitments—and the monthly statements submitted by the Commissioner for the year 1837 being incomplete (not having been sent from the commencement of the year) the Court are unable to supply the deficiency from the records of their own office. The Commissioner will be requested to state in a note in his future statements the number of convictions and acquittals for each district, which information he is particularly required to furnish agreeably to Clause 10 Section 2 of the rules for the administration of criminal justice in Assam.

The number of acquittals appear to the Court to be large. The Commissioner however in the following remarks states that the commitments were made on good grounds. "Although the acquittals are still large yet I am satisfied there were just grounds in every case for making all the committals that were made by the Assistants during the past year, in some cases it happened that the Principal Assistants did not concur in opinion with the Native jury or Punchaet, which rendered a reference of such cases to this Court necessary, in other cases the Principal Assistants entertained some doubts respecting the legality of the evidence upon which prisoners had been convicted which rendered a committal requisite. The cases of the persons under trial at the close of the year will immediately be disposed of, and I have little doubt, but that under the present system, by which all prisoners are tried immediately after apprehension before the Principal Assistants and a Native Punchaet, that there will now be no cause for complaint respecting delay in disposing of cases for heinous offences."

The two prisoners whose cases were referred to this Court were both convicted and sentenced to imprisonment for life.

The following is an abstract of the sentences passed upon the prisoners convicted in the several Districts comprising the jurisdiction of the Commissioner of Assam during the year 1837.

By the Nizamut Adawlut.

Imprisonment for life,	2

By the Commissioner.

Imprisonment for 14 years,	4
7 years and upwards to 14 years,	39
3 years and upwards to 7 years,	36

1 year and upwards to 3 years,	3
Less than 1 year,	2
Fined,	1
Required to give security,	2
	87

By the Magistrate of Goalparah and his Assistants.

Imprisonment for 6 months and upwards to 3 years,	62
Less than 6 months,	20
Fined,	63
Required to furnish security,	1
	146

By the Magistrate of Kumroop and his Assistants.

Imprisonment for 6 months and upwards to 2 years,	201
Less than 6 months,	104
Fined,	157
Required to furnish security,	8
	470

By the Magistrate of Durung and his Assistant.

Imprisonment for 6 months and 1 upwards to 4 years,	100
Less than 6 months,	34
Fined,	179
Flogged (convict),	1
Required to give security,	11
	325

By the Magistrate of Nowgong and his Assistant.

Imprisonment for 6 months and upwards to 3 years,	60
Less than 6 months,	83
Fined,	102
Required to furnish security,	8
Dismissed from office,	7
	260

	Magistrate's Assistant.	By Magistrate.
Imprisonment for 2 years and up to 4 years,	7	44

With reference to the statement for the Durung District the Commissioner will be requested to call for and submit with his own opinion, the Magistrate's explanation with regard to the entry under the head of remarks in his statement No. 1 noted in the margin, the extent of imprisonment which the senior and junior Assistants

are competent to award, being limited by the 3d and 5th Clauses, Section 1 of the Rules, to 3 years and 1 year respectively.

GENERAL REMARKS.

The statements for the division of Assam were submitted by Captain Matthie, the Officiating Commissioner, with a very creditable report dated 20th March last. The Officiating Commissioner has carefully examined the statements, and the result of his enquiry together with the local experience he possesses, has led to the conclusion that crimes of a heinous nature have greatly decreased within the period under review—offences of the nature of burglary and theft however are still frequent. On these points Captain Matthie observes: "There has been upon the whole very few heinous offences committed in the districts of this division, or at least a great decrease during the period under review which circumstance has been noticed by the inhabitants, and must prove very gratifying to the Nizamut Adawlut and Government."

"Burglaries and thefts I regret to observe are still of frequent occurrence, but due allowance must be made for the peculiar disadvantages we labour under in this Province in checking it, from the circumstance of the greater part of the three out of the four divisions being situated on the Bootan border, annexed to the territory held by that Government on the plains, the inhabitants of which (the Cachareo tribe) are notoriously addicted to stealing in every shape, and in consequence of being residents of a foreign state they enjoy great advantages for carrying on their nefarious schemes, as they have merely to cross the border at night to commit theft and may be secure with the property stolen before morning from our Police. Great temptation is held out to the people to commit thefts from the facility with which it may be effected, the walls of the houses and indeed the whole of the habitations of the people of this province being composed of the most frail materials, and cattle allowed to stray for days without a keeper. Very few indeed of such offences are even attended with aggravating circumstances, such as murder, wounding, beating or any kind of ill-treatment, the cutting or loosening of a string or cane attached to the door, or the opening with the hand of a reed tattie, through which property may be seen generally constitute the crimes designated burglary, and taking a few betelnuts, rice, or at most articles of extremely small value comprize the greatest portion of the crimes, called thefts."

The Court in recording their resolutions on the statements for each district have had occasion to notice the large proportion of acquittals to convictions in the districts of Kamroop, Durung and Nowgong. In regard to the number of persons apprehended or summoned on petty charges, and the nature of the offences under this head, the Officiating Commissioner has the following observations: "The number of crimes committed in each division appears large, but the greater portion are of a very trivial nature, such as petty assaults, snatching from the person, abuse, neglect of orders, absconding and confining, which are very numerous, particularly in Kamroop, in consequence of the facility with which such charges are brought into Court

and the size of the town, the most insignificant quarrels particularly amongst the Doom or Fisherman caste, often lead to abuse and occasionally to blows, when both parties scamper off to Cutcherry racing to get to the Magistrate, to be the first to lay charges against the other, all of which must be returned in the statements, although I have frequently by a little verbal expostulation induced the parties after investigation, but before passing sentence to come to amicable terms. When Magistrate of the Durung division in 1833 to 1837, I have frequently when on my annual tour through the interior of the District prevented numerous complaints of the kind going into Court by calling both parties before me in the village, and adjusting the disputes by a viva voce inquiry to the perfect satisfaction (and often amusement from the absurdity of some of the charges) of the parties concerned as well as the bystanders."

" The number of persons of those apprehended, convicted and punished compared with those discharged is apparently still very large, but it arises from the same circumstances as detailed above, when charges are preferred on oath and witnesses in a measure corroborate them, it necessarily follows, that the Magistrate must summon the person accused, but after hearing both sides it very frequently happens that the offence is dwindled down into great insignificance, when the parties make up matters and beg for forgiveness and discharge. Defendants in such cases are seldom under restraint above a few hours." The Court observe, that admitting the explanation to be satisfactory with respect to persons summoned on charges of a petty nature, it does not account for the comparatively large number acquitted of the persons apprehended by the Police officers charged with heinous crimes. They are aware that in a province only recently subjected to the control of established rules for the administration of justice, great regularity of proceeding cannot be expected in the subordinate police: they will however request the Commissioner to call the attention of the Magistrates to this important subject, instructing them to adopt the necessary measures for preventing as far as possible the unnecessary apprehension of persons charged with criminal offences.

The report of the Surgeon of Gowalparah forwarded by the Commissioner, will be separately considered.

ARRACAN DIVISION.

At the close of the year 1836 there were 10 persons under trial, and during the year 323 persons were apprehended or summoned, making a total of 333 persons. These were disposed of in the manner noted in the margin.*

Ramree.

* Convicted,	179
Acquitted,	151
Committed,	1
Still under trial, viz. on bail,	2
	333

The statement entered in the margin* shows the number of persons apprehended, acquitted, and convicted in heinous crimes and petty offences. The results are not quite satisfactory; but the Court observe, that the Assistant has been cautioned against receiving trifling complaints which hardly come within the description of legal crimes.

* Heinous Crimes,	66
Apprehended,	75
Convicted,	39
Acquitted,	33
Petty offences,	157
Apprehended,	258
Convicted,	140
Acquitted,	118

75
258
333

Twenty-two persons were in confinement on default of security for good conduct: of these 19 were released unconditionally during the year, and only 3 remained in jail.

A statement is given in the margin* of the regular and miscellaneous appeals preferred to the Commissioner during the year, and the manner in which they were disposed of.

* Regular Trials.	
Confirmed,	2
Reversed,	2
	4
Miscellaneous Cases.	
Confirmed,	2
Pending,	3
	5

There was but one commitment to the Sessions Court during the year. The case was referred to the Nizamut Adawlut.

Sessions Court.

The Court observe that the case of a prisoner (insane,) committed in 1836 has not yet been disposed of. The Commissioner will be required to report on the circumstances, and to state particularly whether the insanity was induced after the commission of the crime or existed previously.

At the close of 1836, two persons were under trial, and 195 persons were summoned or apprehended during the last year, making a total of 197 persons under trial. These were disposed of as per marginal* statement.

Sandoway.		
* Convicted,		62
Acquitted,		110
Committed,		8
Under trial—		
In Jail,	11	15
On Bail,	4	
		195

The number of persons apprehended, convicted, and acquitted in heinous crimes and petty offences, is shown in the margin.* The Court cannot coincide with the Commissioner in opinion that there is a fair proportion between the convictions and acquittals.

* Heinous Crimes,	35
Apprehended,	66
Convicted,	11
Acquitted,	33
Petty offences,	69
Apprehended,	131
Convicted,	51
Acquitted,	77

No persons were in confinement in Zillah Sandoway on default of security for good conduct.

Three appeals were preferred to the Commissioner from the orders of Mr. Morton in regular trials; of these two were confirmed, and one is pending.

Eight persons committed to the Sessions Court were acquitted.

Sessions Court.

At the close of the year 1836, one person was under trial, and 28 persons were summoned or apprehended during the year under review, making a total of 29 persons under trial. These were disposed of in the manner shown in the margin.*

Aeng.	
* Convicted,	12
Acquitted,	15
Under trial, viz. in jail,	2
	29

The statement entered in the margin* shows the number of persons apprehended, acquitted, and convicted on heinous crimes and petty offences.

* Heinous crimes,	13
Apprehended,	4
Convicted,	1
Acquitted,	1
Petty offences,	30
Apprehended,	25
Convicted,	11
Acquitted,	14

No appeals were preferred to the Commissioner from this district.

One person was in confinement on default of security for good conduct, but was released before the end of the year.

Akyab.
* Convicted, ... 319
Acquitted, ... 517
Committed, ... 34
Still under trial—
In jail, ... 12 } 69
On bail, ... 57 }

At the close of 1836, thirteen persons were under trial, and 926 were summoned or apprehended during the last year, making altogether 939 persons under trial. These were disposed of in the manner shown in the margin.*

* Heinous crimes,..... 77

Apprehended, ... 182
Convicted, ... 51
Acquitted, ... 71

Petty offences, ... 403

Apprehended, ... 757
Convicted, ... 268
Acquitted, ... 446

The statement in the margin* exhibits the number of persons apprehended, convicted, and acquitted in heinous crimes, as well as in petty offences. The Commissioner makes the following remarks in explanation of the apparently unfavorable results—" The disproportion between the convictions and acquittals is great, but it has been much swollen by the mutiny in the jail, and circumstances peculiar to the crimes charged, such as assaults and detention of wives, which are generally settled by Razeenamah after the first burst of anger is over, and the difficulties in the way of approving such offences as harbouring deceits and smuggling salt against all implicated." The Court trust that the results of the current year will be more satisfactory.

* In Jail, ... 12
On Bail,..... 57

The number of persons under trial at the close of 1837 is shown in the margin.* The number, it is observed by the Commissioner would have been much less, but for the circumstance of Lieutenant Phayre's having joined his appointment only in last November.

Five persons were in confinement, at the close of the year, on default of security for good conduct.

* Regular Trials.
Confirmed, ... 16
Reversed, ... 13
Pending, ... 12
41

Miscellaneous Cases.
Confirmed,..... 20
Reversed, ... 6
Pending, ... 9
35

A memorandum is given in the margin* of the results of the appeals preferred to the Commissioner from the orders of the Senior Assistant, in criminal trials, and miscellaneous cases. No explanation as to the cause of delay has been given regarding appeals pending beyond six months.

Sessions Court.
* Acquitted, ... 106
Convicted, ... 55
Preferred, ... 32

At the close of 1836 there were 40 persons under trial in the Sessions Court from this district, and 34 persons were committed in 1837, making, with 119 persons received back after reference to the Nizamut Adawlut, a total of 193 persons under trial. These were disposed of as shown in the margin.*

The Court observe that the Commissioner's statement No. 12 for Akyab shows 21 prisoners sentenced by him to limited periods of imprisonment, " 5 sentenced to suffer death, and 29 to imprisonment for life, in all 55." The Court observe, that the last mentioned 34 prisoners were sentenced by the Nizamut Adawlut as noticed below at Paragraph 24: they have however been incorrectly entered in the Commissioner's statement No. 12, the 8th column of which is intended only for the prisoners sentenced by the Commissioner.

* Four of these were tried at a Special Sessions held by Captain D. Williams.

From a statement No. 14, prepared in the office of the Court, it appears that 37* prisoners were referred to the Nizamut Adawlut during the year 1837 and that

65† prisoners were under reference on the 31st December 1836, making a total of 102 prisoners under reference. These were disposed of in the manner shown in the margin.‡

† These were tried at the same Special Sessions.
‡ Convicted, ... 100
Under trial,..... 2

Of the prisoners convicted, 64 were pardoned by the Government at the recommendation of the Court, 5 were sentenced to suffer death, 2 to transportation for life, 27 to imprisonment for life, 1 to 14 years' imprisonment, and 1 to imprisonment for 7 years.

General Remarks.

Captain Bogle reported on the state of the province of Arracan, under date the 12th April last. He observes: "having only entered on the charge of this province in July last, it cannot be expected that I should be so able to comment on the occurrences of the past year, as if I had been in office from its commencement; but I may remark that considering the nature of the country, the unsettled disposition of the people, and the exposed position of the province with reference to its liability to inroad from the Burmese territories, which have been in a very unquiet state during the past year, the amount of crime cannot be considered large."

The liability of the border lands to the incursions of robbers from the Burmese territories, is again referred to by the Commissioner in the following terms: "The state of the Sandoway district, which is bounded by the Burmese dominions in its whole length, and is very much exposed to inroad, is far from satisfactory as regards dacoity; and the rapidity with which gangs of marauders can enter the districts, perpetrate any crime, and retire, is such that the Police have rarely been able to overtake the offenders; and in the present posture of our relations with the neighbouring state, it is scarcely possible to apply an efficient remedy to the evil." "In the Aeng district, which is even more exposed than Sandoway, one murder and three dacoities occurred; the parties apprehended in the former have since been acquitted, and no one was taken into custody in the latter. The whole district is a series of hills covered with jungle; the people live in small detached villages, and it unavoidably happens that the Police seldom hear of offences until the perpetrators are altogether beyond reach."

The Court observe that it will be extremely difficult to afford due protection to the inhabitants of the districts in question, unless the strength of the Police on the border lands is increased to such a degree that timely information of the commission of crime shall be attainable and timely measures for the apprehension of the offenders shall be practicable. They will therefore submit for the consideration of Government the propriety of augmenting the Police establishment in the exposed districts, as the only measure from the adoption of which the security of the lives and property of the inhabitants can be anticipated.

The Court quote with gratification the concluding remarks of Captain Bogle's report: "During the months of December and January [1838] I visited the stations of Ramree and Sandoway, and found the jails well kept, the convicts healthy and properly employed on the public roads, which were in tolerable order, and every department of the public business carefully attended to. And I have much pleasure in recording my opinion that the officers in charge of districts are correct in their conduct, and zealous and industrious in the performance of their official duties."

TENASSERIM PROVINCES.

Amherst.

Captain Rawlinson, Mr. T. DelaCondamine and Mr. T. A. Corbin, were in charge of the Magistracy of this Province during the year 1837.

* Acquitted,	228
Convicted,	609
Committed to the Sessions,	2
	839

At the close of the year 1836, there was one prisoner under trial on bail, 838 persons were apprehended or summoned during the year 1837, making a total of 839, who were disposed of in the mode noted in the margin.*

* Heinous offences,		222
Apprehended,	83	
Acquitted,	27	
Convicted,	56	
Petty offences,		576
Apprehended,	755	
Acquitted,	201	
Convicted,	553	

The statement as per margin* exhibits the number of persons that have been apprehended, acquitted, and convicted by the Magistrates and their Assistants in "heinous" as well as in "petty offences," and with respect to the proportion of convictions is considered very satisfactory.

There were no persons under examination in jail or on bail on the 31st December last.

Twelve persons were confined in default of security for good conduct.

Mr. Blundell, the Agent to the Governor General, performed the duties of the Sessions Court for these Provinces.

The following is an abstract of the sentences passed by the Magistrates and their Assistants in 1837, in the Province of Amherst:

Imprisonment for 2 years,	3
Ditto 1 year and upwards,	8
Ditto 6 months and upwards,	26
Less than 6 months,	206
Fined and discharged,	353
Security required,	13
	609

Province of Mergue.

Mr. Corbin and Captain W. C. McLeod performed the duties of the Magistrate's office during the year under review.

* Acquitted,	34
Convicted,	149
Committed,	4
Remaining under trial,	1
	188

At the end of the preceding year, there were 4 persons under trial, viz. 3 in jail and 1 on bail. In 1837, 184 persons were apprehended, making altogether 188 and the mode in which these were disposed of is indicated in the margin.*

* Heinous offences,		87
Apprehended,	50	
Acquitted,	19	
Convicted,	30	
Petty offences,		108
Apprehended,	138	
Acquitted,	15	
Convicted,	119	

The marginal statement* shews the number of persons apprehended, acquitted and convicted by the Magistrates and their Assistants in "heinous" as well as in "petty offences"—and is very satisfactory.

One person remained in jail under examination at the close of the year 1837

The following is an abstract of the sentences passed by the Magistrates and their Assistants in 1837 in the Province of Mergue:

Imprisonment for 2 years,	1
" 1 year and upwards,	2
" 6 months and upwards,	9
Less than 6 months,	55
Fined and discharged,	82
	149

In this Province Captain J. C. Macfarquhar discharged the duties of the Magistrate's office during 1837.

Province of Tavoy.

There were no persons under trial at the close of the preceding year—143 persons were apprehended during 1837, and these were disposed of in the mode noted in the margin.*

* Acquitted,	1
Convicted,	137
Committed,	5
	143

The statement indicated in the margin* shews the number of persons that were apprehended, acquitted, and convicted by the Magistrate and his Assistants in "heinous" as well as in "petty offences." The Court observe that of 143 persons apprehended only one was acquitted.

* Heinous offences,		81
Apprehended,	19	
Acquitted,	0	
Convicted,	16	
Petty offences,		90
Apprehended,	124	
Acquitted,	1	
Convicted,	121	

No persons were under trial in jail or on bail on the 31st December 1837.

The following is an abstract of the sentences passed by the Magistrate and his Assistants in 1837:

Imprisonment for 2 years,	5
" 1 year and upwards,	6
" 6 months and upwards,	6
Less than 6 months,	6
Fined and discharged,	103
Security required,	11
	137

The Court observe that no annual statement of the Sessions Court for 1837 has been submitted. The following, which is an abstract of statement No. 12, prepared in the office of the Nizamut Adawlut from the jail delivery returns, exhibits—

Sessions Court.

Committed to the Sessions	8
Convicted by the Sessions Court	8*

* Imprisonment for 7 years,	1
Do. for 4 years,	1
Do. 3 years,	3
Do. 18 months,	1
Do. 1 year,	2
	8

* Province of Amherst,	2
Do. of Mergue,.	4
Do. of Tavoy,...	5
	11

The marginal note* shews the number of prisoners stated in the Magistrate's statements No. 1 to have been committed to the Sessions in 1837, exhibiting a discrepancy of 3 prisoners in excess of the number above exhibited which the Commissioner will be requested to explain.

One trial was called for at the English sittings during the past year, in which the sentence passed by the Agent was confirmed.

Nizamut Adawlut.

Two prisoners were under reference from the Agent at the close of 1836; the number referred in 1837 was one, and they were disposed of in the following manner:

Death	1
Imprisonment for life	1
Ditto 14 years	1
	3

GENERAL REMARKS.

The returns for this Division do not appear to call for any particular remark. The business of the Criminal Courts appears to be very light and is disposed of with promptitude and dispatch.

J. HAWKINS, *Register.*

No. 3349.

To F. J. Halliday, Esquire,

Secretary to Government of Bengal in the Judicial Department.

Nizamut Adawlut.
Present.
R H Rattray, W. Money, Judges, and J. F M Reid, Offg. Judge, Esqrs.

Sir,

In continuation of my letter No. 2382, of the 7th September last, I am directed by the Court to request that you will lay before the Honorable the Deputy Governor the following remarks, derived from the reports submitted by the Session Judges and the Commissioners in the Extra Regulation Provinces, on the state of the jails in the Lower Provinces during the year 1837.

Hooghly.

2. "I have frequently visited the jail;" observes the Session Judge, "which is kept very clean, and in good order. The Dewanny jail, and the female ward are the best I have seen in this country; being both commodious and completely detached from the criminal jail, but the last is very deficient in the means of classification. There are abundance of space, and no want of buildings; so no more is required than a few walls, which with the assistance of the prisoners, in making bricks and working as common labourers, might be erected, at an expence very small indeed, compared with the great advantages to be gained. I hope therefore, that the Court will recommend this also, to the notice of Government."

3. The Court observe that the erection of such walls might affect the ventilation of the jail in the warm weather; but if no inconvenience of this nature is to be apprehended, they would recommend the issue of orders to the proper authority for making the necessary alterations and additions in the economical manner pointed out by the Session Judge.

Chittagong.

4. The Session Judge of Chittagong observes—"I have no observations to make in regard to the jail, further than what I submitted in my former report."

5. The remarks made by the Court on the occasion (a copy of which was forwarded to Government,*) were as follows:—"Regarding the jail, Mr. Moore states, that he has nothing particular to observe, except that the proper classification of prisoners is impracticable in the Chittagong jail—the women are all placed together in one ward—the convicted, the unconvicted, the sick and the deranged, being all lodged together—this appears to demand the immediate attention of the Government." The reply received from the Government† contained no allusion to this point. The Court therefore beg leave again to solicit attention to the subject.

* Court's Resolutions dated 25th August, 1837, para. 12.

† No. 1721, 12th Sept. 1837.

Moorshedabad.

6. The Session Judge of Moorshedabad makes the following remarks:—"The Court will observe, that the jail is calculated to contain only 500 prisoners—there is in confinement in it 564, this is owing to the number of prisoners committed by the Assistant Superintendant in the Thuggee department: Mr. C. Garstin is

now holding the Sessions for the trial of prisoners committed by the Assistant Superintendant, at the close of which I hope the jail will be relieved of more than one hundred of prisoners now confined there."

7. The Court observe that Mr. Russell has not noticed the condition of the jail or the health of the prisoners. With reference to the number of prisoners in jail they remark that the half yearly return closing with December 1837 shews that there were 168 prisoners under the Executive Engineer of the 2nd Division, who were kept in a separate place.

Tirhoot.

8. "The jail," observes the Sessions Judge of Tirhoot, "was visited by me regularly every month, except when I was absent on leave, and I have pleasure in noticing a great improvement in its cleanliness. It is now in as good order as it is capable of being, but it is by no means a secure or good jail."

"The Court however will observe with regret the large proportion of deaths during the latter part of the year, which the Assistant Surgeon attributed to diseases engendered while the prisoners were in the interior on bridges under the Executive department. This may be very true, still it may not be improper to suggest that the Civil Surgeon should be desired to afford his constant undivided attention to both jail and hospital, and less to private practice at great distances, and extensive trade and speculation which must seriously obstruct a correct and careful discharge of the duties of his peculiar and especial charge, and it would in my opinion tend to a good end, if the Civil Surgeon were directed to make a report once a week to the Magistrate shewing the time and periods of day which he devoted to the hospital and jail, that it might at once be seen whether the duties were humanely and efficiently performed, and whether due precautions were taken to remove the sick from jail to hospital."

"No cases of blind or decrepid prisoners have been brought under notice, the latter half of this year, nor have any complaints connected with the interior management of the jail been made, which speaks very favorably for the jailor and others, as well as for the Superintending Magistrates, &c."

9. As some correspondence has lately taken place on the point, it is not necessary to draw the notice of Government to the condition of the building. The state in which the jail is kept and the attention of the jail darogah to his duties, are satisfactory evidences of Mr. Trotter's careful superintendence in this department, of his public labours. The Court have already intimated to Mr. Oldfield, that, if there is any appearance of remissness or inattention on the part of the Civil Surgeon of the district to his very responsible charge, he is competent to pass such orders as he may consider necessary to superinduce a better system.

Midnapore.

10. The remarks of the Session Judge of Midnapore on the state of the jail of his district, are generally satisfactory: "I have again to record my testimony to the cleanly state of the jail, and hospital; so highly creditable to Mr. Gilmore, the Magistrate and Mr. O'Dwyer, the Civil Surgeon. The uncommon personal

attention paid by Mr. O'Dwyer to the health of the prisoners in general and to his patients in particular, reflects the highest honor on him as a man and as a medical public officer. I could wish the arrangements in his hospital and its perfect cleanliness could be seen by all the superior authorities."

"It was with no common degree of gratification, that I observed a very striking improvement in the healthy appearance of the prisoners, attributable I have no doubt to their being again allowed the use of tobacco, and their not being sent out on the roads in the interior."

"The mortality consequent to the exposure incident to the latter cause, and deleterious effects of the climate on the constitutions of those especially from the Upper or Behar Provinces, may be estimated by the following dreadful accounts given me by three of the prisoners. While I was conversing with them lately, on a visit to the jail—one from Sarun of a gang of 25, said he only was alive; and two others of gangs of 20 and 19 from Purneah, said they were almost the only survivors. These several gangs have not been in the district above two years. I have requested the Magistrate to give me a statement of the convicts received within the last three years, specifying their number, and time of arrival,—district, whence sent, and the number surviving: a copy of which shall hereafter be forwarded to the Nizamut Adawlut. The subject deserves the best attention of the Government. Every care should be taken that convicts banished be sent to such districts, as are most similar in climate to their own."

"It would be very beneficial to the health of the prisoners in the jail here, if some means could be devised to ventilate the wards—perhaps ventilating on the roof would answer; for the walls being built of large stones, could not I hear be perforated for the purpose. Mr. O'Dwyer is very desirous to see this effected. The heat at this station is intolerable, and the want of ventilation adds extremely to the evil."

"The only complaint preferred by the prisoners, was to their food being brought and cooked for them, because they said, they were not always inclined, or indeed able to eat the same food, and when they had their allowance formerly, they used to vary their diet, sometimes chusing a little fish instead of dall, of peas, and at other times turkaree or greens instead of rice, and at times when they had no appetite would prefer purchasing oil to anoint their bodies: this seems to be extremely salutary to them, insomuch that Mr. O'Dwyer told me he was in the habit of having a select number, whose skins appeared unusually rough, anointed every evening before himself, and that their enjoyment and the healthy appearance it gave them, were astonishing: since the new system of dieting, they have not of course the means of buying oil, and therefore the plan adopted by Mr. O'Dwyer has become the more indispensable, and salutary. The modies too, who are engaged to supply the peas and rice are discontented."

"As I can perceive no good reason for the new system, and as all seem dissatisfied; and as the Surgeon agrees with me that it would be more conducive to

health, being decidedly more natural, to allow each individual to please his own palate, than to force all to eat the same food; I would respectfully recommend a return to the old plan."

11. Adverting to Mr. Dick's remarks, regarding the mortality among prisoners transferred to Midnapore from the Behar Provinces, the Court observe that they cannot discover that more than 2 prisoners* were ever sent from the jail of Sarun to that of Midnapore. From the jail of Purneah, 102 prisoners were sent to Midnapore in the years 1834 and 1835, but none since. The Court have been made aware that the climate of Midnapore is uncongenial to the inhabitants of other and remote districts; and, accordingly, no prisoners are now sent to that Zillah to undergo the sentence of imprisonment in banishment. Still, referring to the fact just mentioned, the Court are disposed to consider the statement given by Mr. Dick from the mouths of some of the convicts to be vague and exaggerated. The Court propose to call on Mr. Dick for a particular report on the subject.

* These 2 were sent early in 1836.

12. Mr. Dick expresses himself very decidedly against the ration system which has been introduced into many of the jails. The system, whatever may be its advantages or defects in other respects, is naturally disliked by the convicts. But taking into consideration the strong terms in which the plan has been spoken of by the authorities of other districts, the Court abstain from expressing their opinion on the point until a longer trial has been given to the experiment.

13. The remarks of the Session Judges of Patna, Sarun, Shahabad, Rajshahye, Mymunsing, Sylhet, and Backergunge, on the jails of their respective districts, which are here entered consecutively, exhibit a satisfactory state of things, and require no observations on the part of the Court.

Patna.

14. The prisoners in the jail continue healthy; the Superintendent of Police, I understand, intends to recommend that a new jail be erected near the Cutcherry, the present one is situated 5 miles off.

Sarun.

15. I am happy in being able to report that the jail and hospital seem to be kept in a clean and orderly state, and every attention appears to be bestowed on the health and comfort of the prisoners. The prisoners were employed during the period under review in the construction and repair of roads, the excavation of tanks and other public works of an useful nature.

Shahabad.

16. The jail which is regularly visited by me is kept clean, and the classification of the prisoners as far as the limits of the jail permit is attended to, the prisoners also have recently been put upon rations of food.

Rajshahye.

17. On my visiting the jail I found it in good order as well as the hospital and the Dewanny jail.

" I have only further to remark that the whole of the working prisoners as well as those confined in the Dewanny jail on civil process, and those sentenced to

imprisonment without labor, appeared in a healthy state. The cloth and blankets allowed to certain classes of those confined had been distributed to them. I must also notice the improvements in the Town and its neighbourhood, which have been made by Mr. Dirom with the assistance of the convicts whose labors he has most judiciously directed."

18. The jail (which I have visited monthly since February the 25th,) I have found clean and neat in all my recent visits. Mymensing.

"The greater part of the working prisoners are just now out on the great roads leading to Toke (the route to Dacca,) Jumalpore and Serajgunge—all of which required repair. Owing to no blankets being collected, (though the Magistrate was repeatedly reminded of this essential before sending them out on the roads) the gangs did not leave till December—but I understand from the Commanding Officer of the 58th Regiment Native Infantry, now on its march to Barrackpore, via Toke and Dacca, they have done some good."

"The alterations in the jail, suggested in my last half yearly-report, and which the Court were pleased to recommend to Government, are I understand soon to be made, and the absence of so many prisoners on the roads affords the very best opportunity of executing these alterations and additions without annoyance or inconvenience to the prisoners remaining in jail."

19. The prisoners are not dieted, but as I have understood that the system of dieting the prisoners has been found advantageous, I am of opinion that it should be introduced into the jail of this district. Sylhet.

20. During my residence here, I have visited the jail every month; it is commodious, airy and clean. Backergunge.

21. The Session Judges of Beerbhoom, Burdwan, Nuddea, Jessore, Rungpore, Dinagepore, Purneah, Behar, and Cuttack, have not reported on the condition of the jails. Their attention will be called to the subject, and they will be requested to avoid a similar omission in their report for the present year.

22. The jails of the Joint Magistracies of Baraset, Noacolly, Pubna, Furreedpore, Bogra, Maldah, and Moonghyr, being situated at considerable distances from the Sudder Stations of the Courts to which they are subordinate, have not been visited by the Session Judges during the year under review. The districts so situated are here brought into one view, with the object of soliciting his Honor the Deputy Governor to make some arrangement by which the periodical inspection of the jails may be ensured.

23. The Session Judges of Dinagepore and Rungpore* have omitted to include in their reports the state of the jails of their districts. The Session Judge of Rajshahye†, whose remarks on the jail of that Zillah are given in paragraph 17th of this letter, has made no allusion to the jail of the Joint Magistracy of Pubna.

* With the Joint Magistracies of Maldah and Bogra.
† With the Joint Magistracy of Pubna.

Tipperah.

24. The Session Judge of Tipperah remarks on the state of the jail of that district are very satisfactory—"The jail was regularly visited once a month during the past half year by Mr. Pringle and once in December by myself (having only returned to that district on the 11th of that month). I was highly pleased with its internal management and cleanly condition, not omitting the good arrangement adopted in classing the prisoners agreeably to their sentences in separate and distinct wards which the Tipperah jail admits of, it being large and roomy, and capable of holding 1,000 persons. The prisoners were well clothed and clean in appearance, and every degree of comfort to which they entitled, appeared to be afforded them, which reflects much credit on Mr. Money's management and general superintendence."

"The total number of prisoners in jail at Noacolly at the close of the year was 200. Out of this there were 130 sentenced to labour, and employed as follows, 58 under charge of the executive officer, 55 repairing the roads of the Station, and 17 cleaning the jail. The jail is capable of holding 400. The distance of Noacolly from this Station being considerable, precludes the possibility of the Sessions Judge visiting the jail, there is no doubt some superior authority ought to do so occasionally, but I cannot devise any other plan, than that of suggesting that the Commissioner of Revenue be requested to visit it, when duty may lead him to proceed to that Station. Mr. Pringle in his half yearly report recommended that the Session Judge should pay quarterly visits to the Noacolly jail, Government paying the dawk expenses for each trip, but I cannot exactly coincide with him in this, as it is impossible almost for a Judge to quit his Station under any circumstances, without being relieved by some one duly authorized to carry on the current duties of his office during his absence; if this were sanctioned, the object might be accomplished, I will leave it however to the superior Court to devise some better and less objectionable scheme for arranging and carrying the project into effect, I am therefore unable to afford any information as to the internal management and treatment of the prisoners in the said jail, which I regret."

Dacca.

25. The Officiating Session Judge of Dacca makes the following remarks on the jail of that city and that of the Joint Magistracy of Furreedpore: "The jail is pretty clean, but the lower part of the walls in the rooms require scraping and white washing, the doors cleaning and painting. The plaster on the guard room is daily falling off, and the doors require repair. I think the executive officer's attention should be called to these repairs,—annexed is a letter from the Assistant to the Magistrate on the subject."

"I beg to remark that no notice was taken of my suggestion that cook sheds should be built. The jail outer yard is at present cut up with choolas; which gives it a very slovenly appearance."

"The number of deaths among the prisoners during the last 6 months is 5—the sick in hospital 77."

* Cook sheds.

26. The Court will call on the Magistrate of Dacca through the Session Judge, to report his sentiments on the utility of the proposed erections,* as they are not aware that any similar plan has been found necessary in other districts.

27. With reference to the concluding remark of Mr. Cooke, the Court observe that, that gentleman was at their instance authorized by the Government to proceed to Furreedpore to inspect the jail; but the Commissioner having in the interior performed that duty, they took it upon themselves to inform Mr. Cooke that it was no longer necessary for him to act upon that order, and reported the same for the information of the Deputy Governor.

28. The Officiating Session Judge of Bhaugulpore reports as follows, on the state of the jail of his district. The statement calls for no remark: Bhaugulpore.

"I have visited once every month the jail at Bhaugulpore, but not that of Monghyr, considering I have no authority to leave my station. The Bhaugulpore jail, which is a capacious one, seems in good repair and is kept very clean. The greatest attention is paid by Dr. Leckie, the Acting Civil Assistant Surgeon, to the health of the prisoners confined in hospital. I have heard of no complaint of any prisoner having been ill-treated, nor of the food supplied to the prisoners under the contract system being of too inferior quality, though some prisoners have stated that they did not get enough to eat. The contract system adopted by Mr. James is this, he engages with a Moodie at 200 rupees a month to supply all the prisoners, which is at the rate of four pice for each person. The prisoners get no money, cooked victuals continue to be dealt out to the Mussulman convicts, the Hindoos cooking for themselves. The system seems to answer, though of course not relished by the prisoners, who would rather have money that they might provide themselves with what they liked."

29. The Officiating Session Judge of the 24-Pergunnahs reports as follows on the jail of the 24-Pergunnahs, and that of Baraset, of the latter, however, he appears to speak from an inspection of the returns rather than from personal knowledge. 24-Pergunnahs.

"The report of the jail and of prisoner's labour shews the manner in which they have been employed. The jail is in as good condition as a jail nearly two feet below the level of the surrounding ground, and without proper necessaries can be. I forward the Surgeon's letter on this topic. Nevertheless the number of sick as to the total number of labouring prisoners, averages only 24 in 400 or about 3½ per cent., which is not much, but the deaths as compared with the number of sick are as one in eleven, which I consider a very large proportion. The prisoners appear to be kept on a very scanty diet, I forward the measure used for giving rice to each prisoner, this with a little salt and pepper is all they have; their complaints are loud and bitter."

"The jail report in respect of health is much better than that of the Russapogla jail, the average number of prisoners is. 113, nevertheless only one death occurred during the whole six months."

"The Joint Magistrate has at present charge of about 2,800 prisoners from other districts employed on various works, on which I am unable to report, not having seen them, but the Commissioner of Circuit has probably supplied this information."

30. With reference to the remarks of Mr. Cracroft on the insufficient food supplied to the prisoners in the Russapugla jail, the Court observe, that the correspondence on the point was referred to the consideration of Government, in my letters No. 1184 of the 27th April and No. 1482 of the 25th May last, the subject being deemed to be one which came within the province of the Prison Discipline Committee.

31. Having thus brought before the Deputy Governor all the information in their possession relating to the jails in the Regulation Provinces, the Court will now request his Honor's attention to the subject adverted to in a preceding paragraph, (22) viz. the necessity of making some arrangement for the inspection of the jails of the several independent Joint Magistracies. The plan suggested by the Session Judge of Tipperah, appears to the Court the most feasible. The Court request accordingly, should His Honor see no objection to the measure, that the Commissioners of the 12th, 14th, 15th, 16th and 18th Divisions be instructed to inspect the jails of the independent Joint Magistracies within their jurisdictions, to receive and forward to the Session Judges such petitions as may be presented to them by the prisoners, and to furnish the Court at the commencement of the year with the usual report on the subject.

32. It now remains to notice the jails in the extra Regulation Provinces.

Assam

33. Captain Matthie, the late Officiating Commissioner of Assam, reported as follows on the state of the jails and convicts in the division:

Zillah Gwalparah.

34. "Captain Jenkins, the Commissioner of Assam, visited the division twice during the year and inspected the jails. The construction of pucka public works having been sanctioned by Government, great improvement may be expected at the Sudder Station of this Division during the current year. The Civil Surgeon of this District has submitted a very creditable report of the diseases prevalent in Gwalparah during the year 1837, which is herewith forwarded in original."

Zillah Kamroop.

35. "Captain Jenkins, the Commissioner, has frequently visited the jail during the year, and expressed his approval of the internal arrangements made for the clothing, feeding and guarding of the prisoners."

Zillah Nowgong.

36. "Captain Jenkins, the Commissioner, proposes visiting this division, and inspecting its jails, thannahs, &c. on his way down from Upper Assam."

Zillah Durrung.

37. No mention has been made of the state of the jail of zillah Durrung.

Arracan

38. The Commissioner of Arracan reports as follows: "During the months of December and January, I visited the stations of Ramree and Sandoway, and found the jails well kept, the convicts healthy and properly employed on the public roads, which were in tolerable order, and every department of the public business carefully attended to; and I have much pleasure in recording my opinion that the officers in charge of districts are correct in their conduct, and zealous and industrious in the performance of their official duties."

39. The Commissioner of the Tenasserim Provinces, has not adverted to the subject in his report. Tenasserim.

40. The Governor General's Agent reports as follows on the jails in his division: "On the subject of the jails in the Lohurdugga and Hazareebagh divisions, I beg to refer the Court to my letter dated the 2d May 1838, with its accompaniments. In the Lohurdugga division, with the additions now made, the jail buildings are sufficiently large to allow of 600 cubic feet to each prisoner, and the new jail which the executive engineer has been ordered to construct at Hazareebagh is calculated to accommodate 312 prisoners, allowing 800 cubic feet for each prisoner. The jail buildings of the Maunbhoom division have been considerably added to, during the present six months, so as to admit of each prisoner having 800 cubic feet. From what I could observe on visiting the several jails, I have every reason to believe they are kept clean and well aired. I formerly stated that I considered the sites of the jails in the Lohurdugga and Hazareebagh divisions good, and I can now report that the site of the Purulcea jail, as far as I am able to judge, is excellent." Hazareebagh.

41. As the Court have, in their half yearly resolutions and on other occasions noticed in detail the jails of this division and the state of health of the prisoners, no further remarks are called for at present.

I am, Sir,
Your obedient humble Servant,

J. HAWKINS, *Register.*

FORT WILLIAM,
The 16th November, 1838.

Nizamut Adawlut.

Present.

W Braddon, Judge,
J. R Hutchinson,
C. Harding, Officiating Judges,
and
J. F. M Reid, Officiating Tempy. Judge,
} Esquires.

No. 3504.

To F. J. HALLIDAY, ESQUIRE,

Offg. Secretary to Government of Bengal in the Judicial Department.

SIR,

I am directed by the Court to forward to you for the purpose of being laid before his Honor the Deputy Governor of Bengal, the accompanying copy of a Resolution recorded by them this day upon the state of the District of Midnapore for the first six months of the current year, together with a copy of the correspondence noted in the margin.*

* Mr. Dick's letter to the Register of the Nizamut Adawlut No. 82, dated 22d August 1837.
Mr. Dick's letter to the Civil Surgeon of Midnapore No. 80, dated 15th August 1837.
The Civil Surgeon's reply.
Mr. Gilmore's letter to Mr. Dick No. 214, dated the 3d August 1837.

I am, Sir,

Your obedient humble Servant,

J. HAWKINS, *Offg. Register.*

FORT WILLIAM,
The 17th November, 1837.

Resolution of the Presidency Court of Nizamut Adawlut under date the 17th November 1837.

PRESENT,

W. BRADDON, *Judge*,
J. R. HUTCHINSON,
C. HARDING, *Officiating Judges*,
and
J. F. M. REID, *Offg. Tempy. Judge*, } ESQUIRES.

Mr. A. F. Donnelly officiated as the Magistrate of this district until the month of March, when Mr. Gilmore was appointed to succeed him.

2. Eighty-eight persons were on bail and seventy-one in jail under examination on the above date.

3. Two cases were pending on the 1st July 1837, under Regulation XV. of 1824.

4. Twenty-one persons were confined in default of security for good conduct.

5. Mr. A. Dick was the Sessions Judge of this district during the half year under review.

6. Three persons were under commitment for trial at the Sessions Court.

7. Ten appeals preferred from the decisions of the Magistrate remained undisposed of at the close of the half year.

8. Two cases were under reference to the Court of Nizamut Adawlut at the end of June.

9. Mr. Dick observes that he has visited the jails and hospital, which are kept in a cleanly state, highly creditable to the Magistrate and the Civil Surgeon.

10. The Court have deferred compliance with the requisition of Government* for a report on the state of crime in this district until they were in possession of the latest information on the subject.

* No. 1401, dated the 1st August last.

11. In their resolution on the criminal statements of the district for the last year, the Court had occasion to notice the prevalence of crime and particularly that of dacoity, and the difficulty, arising from various circumstances, of bringing criminals to justice; but they at the same time observed that Mr. Dick paid great attention to his duties, and that hopes might be entertained of a visible improvement in the state of the district. This expectation however has not been realized, for the Magistrate states that "the crimes of a heinous nature which have been reported to have occurred during the period under review are 3 murders, 18 dacoities, including

3 attempts to commit ditto, 2 of which having proved on investigation to be false, reduces the number to 16—52 burglaries including 4 attempts, 1 highway robbery, and 182 thefts including cattle stealing, which on a comparison with the returns of the corresponding six months of 1836 exhibits the following increase and decrease:

Murders,	decrease	3
Dacoities actually committed,	increase	3
Ditto attempts to commit,	ditto	2
Burglaries committed,	ditto	22
Ditto attempts to commit,	ditto	2
Thefts,	ditto	93

This is a large number of offences both positively and comparatively; but the increase is considered to be such in appearance only, being ascribable to the greater vigilance and success on the part of the Magistrate to ascertain the real extent of crime.

12. Further information regarding the actual numerical increase may be easily obtained from the comparative half-yearly statements which are furnished to the Government by the Commissioner of the division; and to them the Court will refer the Hon'ble the Deputy Governor.

13. The Court observe that to whatever causes the increase of crime observable in the district for some years past, may be attributed, it is high time that vigorous measures were adopted to effect improvement and reformation, and with this view it appears absolutely necessary that the unremitting and undivided attention of both Messrs. Gilmore and Bayley should be given to Magisterial duties, and the Court will submit the suggestion for the consideration and orders of His Honor the Deputy Governor.

14. The Sessions Judge remarks, supported by the opinion of the Civil Surgeon, that the health of the prisoners is injured by their being deprived of the use of tobacco. Such being the case, the Court consider that the prisoners ought to be allowed the use of it.

ORDERED

that a copy of the above observations and remarks be forwarded to the Session Judge, and another copy with a copy of the correspondence noted in the margin,* to the Officiating Secretary to Government in the Judicial Department, for the purpose of being submitted for the consideration and orders of His Honor the Deputy Governor of Bengal.

* Mr. Dick's letter to the Register of the Nizamut Adawlut No. 82, dated 22d Aug. 1837, and enclosure.
Mr. Dick's letter to the Civil Surgeon of Midnapore No. 80, dated 15th August 1837.
The Civil Surgeon's reply.
Mr Gilmore's letter to Mr. Dick No. 214, dated the 2d August 1837.

(True Copy.)

Offg. Register.

(COPIES.)

No. 82.

To the Register of the Nizamut Adawlut,

FORT WILLIAM.

SIR,

I have the honor to forward the half-yearly criminal statements of this district, for the first six months of 1837. Those of the Magistrate were received by me on the 7th instant.

As I detailed very fully my sentiments on the state of the Police, and the present system of criminal administration, in the report on the Police forwarded to the Nizamut Adawlut the end of December last; it would be superfluous in me to say much now on the subject. The accompanying letter from Mr. Gilmore the Magistrate, who has at great length explained every particular, renders any further comment from me still more unnecessary.

The increase in the statements of heinous crimes, above last year, is I am inclined to believe, merely *apparent*, from greater vigilance and success on the part of the Magistrate, to ascertain the real amount of crime.

On the unsatisfactory results of the trial, the prevalence of gang robbery —concealment of crime by those injured—and the inefficiency of the village Police, the Magistrate has observed with much discrimination, in paragraphs 8, 9, 10, and 11; and I beg to bring them to the particular notice of the Nizamut Adawlut. What he has stated in paragraph 12, evinces his activity and judgment, and will doubtless be attended with beneficial effects.

The explanation contained in paragraph 13 will, I doubt not, be deemed satisfactory. I can bear testimony to his unwearied assiduity, which is indeed so laborious, that the strongest constitution, will, if long continued, break under it, in this climate. It becomes therefore an imperious duty on Government, to supply him with adequate aid. The energies of their most deserving and valuable officers, should not be over-strained by Government. Mr. Gilmore has now made himself acquainted with the district, his services are consequently become doubly valuable; for there is no evil so extensive and so distressing to the people, as a constant change of Magistrates. It is to be hoped therefore, that Mr. Gilmore will now be continued in his present appointment, and that as his rank entitles him to look for an encrease of emolument, (he receives only 1000 rupees for performing the onerous duties of Magistrate of a large and populous district, while many of his contemporaries are in the receipt of 12 and 1500 rupees monthly as Collectors and Deputy Collectors,) his salary will be raised without his being removed.

I would further strongly recommend that the whole of Mr. Bayley's time be devoted to Criminal duties; and if another Civil Servant cannot be supplied, the

Mahomedan Law Officer be empowered to try cases referred to him, with special powers.

I have had only one case of Mr. Adam's before me, and that was referred to the Nizamut Adawlut, and the commitment correct. The Magistrate, however, has always found him most ready to work zealously, whenever freedom from pain would permit him.

Mr. Bayley is assiduous, and ever ready to give assistance to the Magistrate: I have tried one of his commitments, which evinced a power of discrimination most promising in so young a judicial officer.

I visited the jails and hospital a few days ago; they are kept in a most cleanly state, and every attention evinced, highly creditable to both the Magistrate Mr. Gilmore, and the Civil Surgeon Mr. O'Dwyer.

I entreat the attention, particular and *early*, of the Nizamut Adawlut to the accompanying correspondence between myself and Mr. O'Dwyer, on the sickly appearance of the prisoners, and the great number of patients in hospital. It would be seen, Mr. O'Dwyer is decidedly of opinion that the prohibition of tobacco is most injurious to the health of the prisoners. I do not myself think, on perusal of the correspondence on the subject, that Government intended to prohibit the use of tobacco, as formerly allowed; but from the unusual expression of the Commissioner, Mr. Ricketts, directing that a certain number of cheeroots be supplied, Government looked upon the supply as a new indulgence—as cruelty, or even harshness having no good moral effect, can never form an ingredient in punishment sanctioned by a humane Government, so I am assured, the evil consequences of the prohibition, probably a mistake, has only to be brought to the notice of the Government, to insure its immediate disuse.

From the statement forwarded by the Civil Surgeon, a copy of which accompanies this, the Nizamut Adawlut will perceive, that sickness is deplorably on the encrease in the jail here; and therefore I need not implore their *early* attention to the subject.

Respecting the working of convicts at a distance from the jail, I would urge the necessity of their return to the jail early in May; there to remain until the beginning of December. It will be observed, that sickness is prevalent to a shocking degree if the prisoners are kept out longer, or sent out sooner than above stated. My observation has reference of course solely to this district, in which the climate during the rains and the months of May and June, is very unhealthy except at Midnapore, and a very few other places.

I have, &c.,

(Signed) ABER. DICK, *Session Judge.*

MIDNAPORE,
The 22d August, 1837.

(No. 80.)

To Dr. O'DWYER, *Civil Surgeon*,

MIDNAPORE.

SIR,

When I this morning inspected the jail, the prisoners one and all complained grievously that they were altogether deprived of the use of tobacco: and asserted that for want of it, they were always weak and ill.

It is notorious, that all classes of the natives of this country, are accustomed to the use of tobacco from boy-hood. I am consequently myself inclined to believe the complaint is founded on truth, and it is corroborated by the sickly appearance of the convicts generally compared with, what I knew them ten years ago when I was Magistrate, and again five years ago when I was Officiating Judicial Commissioner; also by the very large number of patients in hospital, all in a most wretchedly emaciated state, notwithstanding your own zealous care and skill, and the cleanly state of the hospital, I shall therefore be obliged by your favoring me with your opinion, professionally, as to the effect of the prohibition of tobacco, on the health of the prisoners; and further by your supplying me with a comparative statement of the sickness in the jail since the prohibition, and for the same period in one or two years previous.

I am, &c.,

(Signed) ABER. DICK, *Session Judge.*

MIDNAPORE,
The 15th August, 1837.

To A. DICK, Esquire, *Session Judge*,

MIDNAPORE.

SIR,

I have the honor to acknowledge the receipt of your letter No. 80, of yesterday's date, and in reply to inform you that the prohibition of tobacco to the convicts is in my opinion the cause of much of the debility and sickness you witnessed among them, when inspecting the jail, and jail hospital yesterday morning. Indeed so prejudicial to their general health does the discontinuance of their tobacco appear to be, that since it has been withheld the number of sick in hospital has increased considerably. In fact tobacco is, from early habit, such a stomachic, and so necessary to a native's well being, that ninety-nine out of every hundred of them would much rather dispense with a portion of their daily food than with it.

I have, &c.,

(Signed) J. O'DWYER, *Civil Assistant Surgeon.*

MIDNAPORE,
August 16th, 1837.

I beg to forward herewith a comparative statement of sick in the jail hospital, for a month previous to withholding tobacco from the convicts and for the same space of time after it was withheld.

(Signed) J. O'DWYER.

(True Copies,)

(Signed) ABER. DICK, *Session Judge.*

***RETURN** of Sick Prisoners in the Midnapore Jail Hospital from the 8th of June to the 8th of July* 1837 *inclusive.*

AVERAGE NUMBER OF PRISONERS DURING THE MONTH 796.

Remaining in Hospital on the 8th of June.	Admitted into Hospital from the 8th of June to the 8th of July.	Total remaining and admitted.	Discharged from Hospital during the month.	Died in Hospital during the month.	Remaining in Hospital on the 8th of July.
28	83	111	47	7	57

***RETURN** of Sick Prisoners in the Midnapore Jail Hospital from the 8th of July to the 8th of August* 1837 *inclusive.*

AVERAGE NUMBER OF PRISONERS IN JAIL DURING THE MONTH 794.

Remaining in Hospital on the 8th of July.	Admitted from the 8th of July to the 8th of August.	Total remaining and admitted.	Discharged from Hospital during the month.	Died in Hospital during the month.	Remaining in Hospital on the 8th of August.
57	175	232	151	17	64

The admissions into Hospital are daily on the increase, the number in Hospital at this date being nearly 90.

(Signed) J. O'DWYER, *Civil Assistant Surgeon.*

(True Copy,)

(Signed) ABER. DICK, *Session Judge.*

Midnapore, August the 16*th*, 1837.

No. 214.

To A. DICK, Esquire,

Sessions Judge of Zillah Midnapore.

Sir,

I have the honor herewith to submit the half-yearly criminal statements of this district ending with the 30th of June.

2. As you are informed the present very extensive jurisdiction entrusted to my charge has been formed since the transmission of the last half-yearly returns by the junction of the Hidgelee Joint Magistracy to the Magistracy of Midnapore, and although the union of the offices did not take place till the 27th of March (at which time I assumed charge) all cases with the exception of a few of minor importance which occurred in the former jurisdiction were transferred from the commencement of the year for investigation by the Magistrate of the latter, to enable me who at that time held the joint offices of Joint Magistrate and Deputy Collector to make certain enquiries in the interior of Hidgelee connected with the Revenue Department. I have therefore exhibited in one statement the aggregate number of robberies and other crimes which have been ascertained to have been committed in both jurisdictions from the 1st of January to the 30th of June, and of the cases pending at the close of the preceding half year. I have furnished separate supplementary statements, showing the manner in which they have been disposed of in each.

3. " The crimes of a heinous nature which have been reported to have occurred during the period under review are 3 murders, 18 dacoities including 3 attempts to commit ditto, 2 of which having proved on trial to be false, reduces the number to 16—52 burglaries including 4 attempts, 1 highway-robbery and 182 thefts including cattle stealing, which on a comparison with the returns of the corresponding six months of 1836 exhibits the following increase and decrease :

Murders, ...	decrease,.....	3
Dacoities actually committed, ...	increase,.....	3
Ditto attempts to commit, ...	Do.	2
Burglaries committed, ...	Do.	22
Do. attempts to commit, ...	Do.	2
Thefts,.....	Do.	93"

4. On perusing the records of the office I find that it has for the last two years been cause of complaint with the Superior Courts and the Government that crime of every description but more particularly thefts and burglaries must have been concealed to an extraordinary extent in this zillah, I trust therefore that so far as the great increase of crime exhibited in the present returns is concerned, that neither those Courts nor the Government will consider that the administration of the Police of the district has been worse conducted, than heretofore, but that they will be satisfied that the officers who have been in charge of it during the expired six months, though they may not have yet succeeded in compelling the Darogahs to

report every occurrence, that they have exerted themselves with some beneficial effect towards that end.

5. The number of dacoities which have occurred though unusually large, is not to me under the above circumstances subject of much surprise, for they have no doubt been proportionably concealed with other less heinous crimes, but it is one at which I feel very great concern and for which I am unable in any satisfactory manner to account—that in none of the 9 cases that have been disposed of to the present time (an abstract of each case is annexed) was there found any evidence against the persons apprehended, to warrant their commitment to the Sessions Court, with the exception of 1 whose case is still undecided; of the said 9 cases No. 2 was transferred to Balasore and Nos. 8 and 11 were found on trial to be false. In 2 of the remaining cases, viz. 4 and 5 the investigation is completed for the prosecution and the evidence summoned for the defence and 4 remain to be investigated ab initio including No. 12 returned to the Darogah for investigation.

6. In 14 cases out of the 47 burglaries committed and in 37 of the 182 thefts, the parties robbed under the provisions of Regulation II. of 1832 refused to prosecute and declined any investigation being made. In the remaining cases of the former, 53 persons were apprehended, of whom 17 were punished, 17 released and one remained under trial, and of the latter 106 persons were apprehended, of whom 65 were punished, 34 acquitted and 6 remained under trial and one died.

7. The total number of persons of all descriptions apprehended is 969, of whom 268 were acquitted, 528 punished and 9 committed to the Sessions—4 died while under trial and one was transferred to Balasore.

8. The very unsatisfactory result of the trials held in the dacoity cases undoubtedly proves the Police of the district to be sadly inefficient, and not less devoid of principle; they appear to think that it is quite enough if they send in a number of persons innocent or guilty to the Magistrate, leaving him to find out if he can all the stratagems they have had recourse to, to procure their punishment. I trust however that they are beginning to find out their error and some improvement will take place in future.

9. The prevalence of the crime of Gang Robbery has been frequently attributed to the calamities of season, inundation and drought which have with little or no intermission for the last 5 or 6 years befallen this district and the consequent poverty and destitution they have produced among its inhabitants; likewise to the abolishment of corporal punishment, and I am myself of opinion that these causes have operated very powerfully towards it, but it is also attributable I think to collision on the part of the Police with, and the protection afforded by the Zumeendars and Talookdars (where they are not concerned themselves) to the Surdars or heads of the different Gangs, the apprehension of one of whom is an event almost unheard of and this would surely not be the case if such connivance did not exist.

10. Concealment by the persons plundered in many of the cases which occur is likewise one amongst the principal causes tending to perpetuate and to increase

occurrences of this description for the parties concerned having made their escape once or twice with impunity are naturally encouraged to persevere in their iniquity; this also arises out of the corrupt character of our Police Officers and the large jurisdictions placed under Single Magistrates; the people consider it better to remain quiet under the first loss they have sustained than to wait in attendance on the Darogahs and be obliged to feed them if the Dacoits have left them the means, and then to travel 4 or 5 days journey to the Court to be detained there until such time as their cases are disposed of, which whether long or short must depend on the number of cases pending.

11. Other causes are not wanting but I shall only mention one more, which is the undefined and irregular manner as well as the low rule at which the village Chokeedars or Watchmen, the most useful portion of the Mofussil Police if they were properly regulated, are paid, we have to look to them for prompt and early information of all occurrences and expect them to trace and apprehend the perpetrators and likewise to confront them, and all this for what? the stipulated sum of rupee or rupees 1-8 per month of which they receive perhaps one-half 4 or 5 months after it is due. The Magistrates naturally issue orders directing them to be fairly and regularly remunerated, but when the poorer people have not the means to pay and the Chokeedars will not complain against those who have through fear of incurring their displeasure, their endeavours must be frustrated. I think all the Chokeedars should be paid through the Police Darogah in a similar manner as the Burkundazes, in whatever manner the means may be collected to pay them: until they are it is almost useless to expect that they will patrol the country in the manner they are required to do, and cease from their connivance with the thieves.

12. I have issued and am issuing Purwanahs to all the Zumeendars and Talookdars inviting and seeking their co-operation in the apprehension of robbers and bad characters of all descriptions and have furnished them with extract copies of such parts of Regulation XXII. of 1793, IX. of 1808, VI. of 1810 and called their attention to the other Regulations in force which direct them to aid in the various matters of Police, at the same time informing them if they do not conform to the conditions therein laid down the penalty which they prescribe will be rigorously enforced against them. I have also adopted other details of arrangement which it is unnecessary I should mention here, but which I hope will have some good effect.

13. With reference to the number of persons under trial in jail, on bail and Moochulka which is 159, I hope that on consideration of the number disposed of and the extent of the district, containing no less than 23 large thannahs with a population computed at upwards of one and half millions, will not be thought excessively large.

14. In consequence of the indisposition of the Joint Magistrate Mr. Adams which prevented him from affording that help which he was otherwise most desirous of doing, I applied on the 13th June, through the Commissioner for further assistance when Mr. Bayley was vested with the powers of Joint Magistrate, but I was at the same time, which I did not anticipate I should be, deprived of Mr. Adams' services altogether, that gentleman having obtained leave of absence on sick certificate, and as I before had those of Mr. Bayley for three days in each week, which is all I get now, I am left with less assistance than I had when I sought for more.

15. I never was, neither am I at present, desirous of shirking my own duty but I find it a hard struggle against time to get through the business that devolves on this office in any thing like a satisfactory manner with the aid now afforded me. I never adopted the practice which has hitherto obtained to a great extent in this office of taking evidence in the sheristah, further than allowing the Amlah to record in my presence the mere deposition of the witnesses without putting a single question of any kind to them, but even that has now been prohibited by the Court of Sudder Nizamut Adawlut's Circular Order of the 27th January, in cases likely to be committed to the Sessions; by this and the recording of all depositions in the Bengallee language which occupies twice or three times the time that recording them in Persian did, the dispatch of business is very considerably retarded, the average number of days (of the number of hours that my other duties enable me to devote to the investigation of cases,) which a single case of dacoity occupies is 4 or 5 and sometimes when the case is heavy 6 or 7. I therefore hope that in requesting that Mr. Bayley's services may be placed entirely at my disposal or that other efficient aid, either European or Native, may be afforded me at the earliest possible period, I shall not be considered unreasonable or at all desirous of relaxing in my own exertions; I have mentioned aid because I am aware that the Commissioner has addressed Government on the subject of appointing Native officers to aid in the administration of the Police and of making over to them duties of equal trust and responsibility as those at present entrusted to Natives employed in the Revenue Department as Deputy Collectors, &c.

16. In compliance with the orders of the Court bearing date the 7th of April last directing me to furnish with my half yearly statements a report on the official character of my Assistants; I beg to state for its information that Messrs. G. Adams and H. V. Bayley are the gentlemen by whom I have been assisted during the time that I have been in charge.

17. Mr. Adams' health prevented his attending office the first month or five weeks after I took charge, but he afterwards cheerfully afforded me all the aid his health would admit of his doing, and what he did seemed to give satisfaction to all parties.

18. To Mr. Bayley's zeal and industry I have already borne testimony in my letter to the Commissioner of the 13th of June before referred to, and I can now only repeat that I consider him a very intelligent young officer and he affords me very valuable assistance.

I have, &c.

(Sd.) M. S. GILMORE, *Magistrate.*

ZILLAH MIDNAPOOR, *the 2d August*, 1839.

(Copy,)

(Signed) ABER. DICK, *Session Judge.*

(True Copies,)

(Signed) J. HAWKINS, *Offg. Register.*

(No. 472.)

To the Register of the Sudder Nizamut Adawlut.

SIR,

Judl. Dept. I am directed by the Hon'ble the Deputy Governor of Bengal, to acknowledge the receipt of your letter of the 17th November last, (No. 3,504) received 9th December following, transmitting copy of the Court's resolution upon the state of the District of Midnapore, during the first half of the past year, together with a copy of the correspondence noted in the margin.*

* Mr. Dick's letter to the Register of the Nizamut Adawlut, No. 82, dated 22d August 1837.
Ditto, to the Civil Surgeon of Midnapore, No. 80, dated 15th August 1837.
The Civil Surgeon's reply.
Mr. Gilmore's letter to Mr. Dick, No. 214, dated the 2d August 1837.

2. It appears that the Court, in their resolution on the criminal statements of this District, for the year preceding the 6 months under notice, had occasion to remark on the prevalence of crime and particularly that of dacoity. In the half year now reported on, there is not only no improvement, but a very considerable increase of every crime of a heinous nature, save one, murder, of which there has been a decrease of 3—It is represented that this increase is so in appearance only, and is to be ascribed to greater vigilance and success on the part of the Magistrate in ascertaining the real extent of crime.

3. There are data for forming a correct judgment on this point. But His Honor is willing to hope, from the favorable testimony borne to the Magistrate's activity and zeal, that the cause ascribed is the true one—at the same time, it must be remembered, that a full and complete discovery of offences committed, is but the first step to improvement; the main and ultimate object of the Magistrate, to which all his energies should be directed, is to establish such a wholesome fear of the laws as shall tend to an actual (and not apparent) decrease of crime.

4. If then Mr. Gilmore has, as it is hoped been successful on the first point, His Honor may expect to observe, in the next six monthly report, that some progress towards improvement has also been made in this latter and most essential particular.

5. In respect to the recommendation, urged in the 13th paragraph of the Court's resolution, that the unremitting and undivided attention of both Messrs. Gilmore and Bayley should be given to Magisterial duties, His Honor has to observe that the former gentleman being simple Magistrate, as the Court are aware, can have no duties, but such as belong to that office to transact, and with regard to the latter, His Honor's sentiments on the subject of detaching an assistant to be employed exclusively under the Magistrate, have been already expressed in a reply to an application to that effect, made by the Commissioner of the division, a copy of which is appended for the Court's information.

6. The Deputy Governor agrees with the Court, that under the circumstances elicited in correspondence with the Civil Surgeon of Midnapoor, the prisoners should be allowed the use of tobacco to the extent necessary to obviate injury to health, and he trusts that the local authorities, with reference to the emergency of the case, acted on the Court's opinion immediately on the receipt of a copy of their Resolution.

7. From the 6th paragraph of the Magistrate's letter to the address of the Sessions Judge, dated 2d August last, it appears, that of 35 persons apprehended for burglaries, 17 were punished, 17 released, and one remained under trial, and of 106 persons apprehended for thefts, 65 were punished, 34 acquitted, and 6 remained under trial. These proportions of acquittals to convictions, His Honor conceives to be not very creditable to the discrimination and efficiency of the Mofussil Police.

8. In the 7th paragraph of the same letter it is noted, that of a total of 969 persons apprehended, 268 were acquitted, 528 punished, and 9 committed for trial, 4 died while under trial, and one was transferred to Balasore. The Deputy Governor does not consider these proportions to exhibit a satisfactory state of Police efficiency.

9. Of the inefficiency of his Police establishment, however, and of their particular defects, Mr. Gilmore appears to be fully aware, it is therefore hoped that time only was wanting to effect a reform in their proceedings, and that the next report will by the results exhibited, shew it to have improved.

10. The manner and the rate of payment to the village watch, noticed in the 11th paragraph of Mr. Gilmore's letter requires reform, and are understood to be points to which the attention of the Police Committee is particularly directed.

11. His Honor observes, that the Court have omitted to notice one of the most important considerations in a criminal report, viz. the committals by the Magistrate to the Sessions Judge and their result—the same omission is observable in both the Magistrate's and the Sessions Judge's reports.

This notice was the more demanded, because those parts of the Magistrate's letter which make cursory allusion to committals, are not quite intelligible. Thus in his 5th paragraph, Mr. Gilmore expresses great concern, "that in none of the 9 cases that have been disposed of to the present time, was there found any evidence against the persons apprehended to warrant their commitment to the Sessions Court," from this it is not clear, whether the cases having been committed, the evidence was found deficient (in which case great want of judgment must have been evinced by the committing Magistrate,) or whether, the evidence being deficient, they were not committed. The Magistrate goes on to explain the circumstances of these 9 cases, and from the explanations in respect to some of them, to wit Nos. 4 and 5, and the 4 cases remaining to be investigated ab initio—it is impossible to understand what is meant by the previous expression that they had been disposed of.

12. The Court are requested to supply the deficiency on the head of committals, and to be careful not to omit in future reports of the nature under reply, a consideration of this very important particular.

I am, &c.

(Signed) F. J. HALLIDAY,

Secy. to the Govt. of Bengal.

FORT WILLIAM,
The 20th February, 1838.

BENGAL SECRETARIAT LIBRARY

(No. 1924.)

To F. J. HALLIDAY, ESQUIRE,

Secretary to Government of Bengal,
Judicial Department.

Nizamut Adawlut.
Present.
R H Rattray,
W. Braddon,
N J Halhed, *Judges,*
W Money,
and
J. R Hutchinson,
Temporary Judges,
Esquires.

SIR,

In reply to the 11th and 12th paragraphs of your letter No. 472 dated 20th February last, I am directed to transmit for submission to His Honor the Deputy Governor the enclosed copy of a letter No. 145 dated the 7th May last from the Magistrate of Midnapore to the address of the Session Judge, with its accompanying statements, which will supply the required information respecting the commitments made by the Magistrate during the first six months of 1837.

2. The Court abstain from making any observations as to the result of the committals on the present occasion, as a report on the subject will shortly be submitted to Government with their general criminal report for the year 1837.

I am, Sir,
Your obedient humble Servant,

J. HAWKINS, *Register.*

FORT WILLIAM,
The 6th July, 1838.

(Copy.)

(No. 145.)

To A. DICK, Esquire, *Sessions Judge,*

Midnapore.

Sir,

I have the honor to acknowledge the receipt of Mr. Trotter's letter No. 42, of the 14th ultimo forwarding copies of letters No. 472 and 1,406 addressed by the Secretary to Government to the Court of the Nizamut Adawlut and the Commissioner of the 19th Division and to submit the following explanation on the points therein called for.

2. With reference to the former part of the 11th paragraph of the Secretary's letter No. 472 of 20th February, I beg leave to inform you that in stating that in none of the 9 cases which had been disposed of, to the date on which I submitted my report on the state of the Police, and the criminal statements of this office for the first six months of 1837, was there found any evidence against the persons apprehended to warrant their commitment to the Session Court, I meant it to be understood, that the cases were disposed of by me without reference to the Sessions Court, because the evidence was deficient—and in allusion to the latter part of the same paragraph, I further beg leave to inform you that in stating that in 2 of the remaining cases, viz. No. 4 and 5, the investigation was completed for the prosecution and the evidence summoned for the defence and 4 remained to be investigated ab initio, my remarks had reference to the cases which remained under trial over and above the 9 cases to which the former part of the 5th paragraph of my letter related and this I had hoped would have been apparent from the detail of the several cases submitted with my report wherein I stated whether the case was pending or disposed.

3. As the best plan of furnishing the information called for in the last paragraph of Mr. Secretary Halliday's letter, I have the honor to annex two statements (instead of one as directed in Mr. Trotter's letter) the one showing the number of persons committed to the Sessions Court during the first six months of the past year and the other the number of persons remaining under trial on the 1st January 1837 each statement exhibiting in the column of remarks the manner in which the several persons were sentenced.

I have, &c.

(Signed) M. S. GILMORE, *Magistrate.*

Zillah Midnapore,
The 7th May, 1838.

(Copy,)

(Signed) ABER. DICK, *Session Judge.*

STATEMENT exhibiting the number of persons committed for trial during the last six months of 1836, *and whose cases were pending before the Sessions Judge and the Nizamut Adawlut on the* 1st *of January* 1837.

With what crime charged.	Remaining under trial on the 1st January 1837.		Total.	Acquitted.		Punished.		Remarks.
	Before the Sessions Judge.	Before the Nizamut Adawlut.		By the Sessions Judge.	By the Nizamut Adawlut.	By the Sessions Judge.	By the Nizamut Adawlut.	
Homicide not amounting to murder,.....	3	0	3	3	0	0	0	Of the 9 persons charged with murder and convicted by the Sessions Judge 2 were sentenced to 7 years' and 7 to 5 years' imprisonment, and of the 7 punished by the Nizamut Adawlut 3 were sentenced to be hanged, 1 to 14 years' and 3 to 7 years' imprisonment. The individual charged with embezzlement and punished by the Sessions Judge was sentenced to 3 years' imprisonment and the individual charged with perjury—and punished by the Sessions Judge, was also sentenced to 3 years' imprisonment.
Murder, ...	19	1	20	4	0	9	7	
Embezzlement, ...	1	0	1	0	0	1	0	
Perjury, ...	1	0	1	0	0	1	0	
Total, ...	24	1	25	7	0	11	7	

(Signed) M. S. GILMORE, *Magistrate.*

(Copy,)

(Signed) ABER. DICK, *Sessions Judge.*

STATEMENT exhibiting the number of persons committed to the Sessions Court during the first six months of 1837, *and the manner in which the commitments were disposed of.*

With what crime charged.	Committed for trial during the first half year of 1837.	Acquitted.		Punished.		Remaining under trial on 30th June.		REMARKS.
		By the Sessions Judge.	By the Nizamut Adawlut.	By the Sessions Judge.	By the Nizamut Adawlut.	Before the Sessions Judge.	Before the Nizamut Adawlut.	
Murder, ...	7	0	0	1	1	3	1	Of the 7 persons committed on the charge of murder, 1 died while under trial before the Sessions Court. The individual punished by the Sessions Judge was sentenced to 7 years' imprisonment and the individual punished by the Nizamut Adawlut was sentenced to imprisonment for life, of the 3 persons who remained under trial before the Sessions Judge 1 was subsequently sentenced to be hanged, and the other 2 to imprisonment for life, and the one pending before the Nizamut was also sentenced to imprisonment for life, of the 8 persons charged with dukytee attended with murder and punished by the Nizamut Adawlut, 5 were sentenced to imprisonment for life, 1 to 14 years', 1 to 7 years' and 1 to 5 years' imprisonment, the 2 persons charged with committing rape and punished by the Sessions Judge were sentenced 1 to 5 years' and 1 to 3 years' imprisonment. The person charged with perjury and fraudulently drawing from the collectory the pension of a deceased widow and punished by the Sessions Judge, was sentenced first to 3 years' imprisonment, but on revision of the case by the Nizamut Adawlut, the period of his imprisonment was increased to 7 years.
Dacoity with murder,...	8	0	0	0	8	0	0	
Rape, ...	2	0	0	2	0	0	0	
Perjury, ...	1	1	0	0	0	0	0	
Perjury and fraudulently drawing from the Collector's Treasury a pension of a deceased widow, ...	1	0	0	1	0	0	0	
Fraudulently taking and appropriating to their own use in money from the Treasury of the Salt Agent, ...	5	5	0	0	0	0	0	
Total,.....	24	6	0	4	9	3	1	

(Signed) M. S. GILMORE, *Magistrate.*

(Copy,)

(Signed) ABER. DICK.

(True Copies,)

J. HAWKINS, *Register.*

(No. 109.)

To F. J. Halliday, Esquire,

Secretary to Government of Bengal
in the Judicial Department.

Nizamut Adawlut.
Present.
R. H Rattray, W. Braddon, Judges, Esquires.
and
J F M Reid, Esquire, Officiating Judge.

Sir,

With reference to paragraphs 10 and 11 of my letter, No. 3349, under date the 16th November last, on the state of the jails in the Lower Provinces, I am directed by the Court to request that you will lay before the Hon'ble the Deputy Governor, the accompanying copy of a letter and statement from the Session Judge of Midnapore, on the subject of the mortality among the prisoners, who have been sent to the jail of that zillah, from other districts to undergo their sentence of imprisonment in banishment.

2. The Court have taken measures for the removal of the greater part of these prisoners to the jails of districts, contiguous to those from which they were banished. They have merely to add that without intending any reflection on that gentleman, they expressed themselves as disposed to consider Mr. Dick's former statements as "vague," because he had furnished them with no specific information, and "exaggerated," because he referred as his informants to a description of persons (convicts,) from whom any approach to accuracy was not to be expected.

I am, Sir,

Your obedient humble Servant,

(Signed) J. HAWKINS, *Register.*

Fort William,
The 4th January, 1839.

(No. 119.)

To J. HAWKINS, Esquire,

Register to the Nizamut Adawlut,

Fort William.

Sir,

I have the honor to acknowledge the receipt yesterday, of your letter forwarding extract from a report of the Nizamut Adawlut, dated 16th ultimo.

On adverting to my remarks regarding the mortality of prisoners in banishment, "The Court are disposed to consider the statement given by me from the mouths of some of the convicts, to be vague and exaggerated," on reference however, to the accompanying statement, furnished by the Magistrate, it will appear, that what I stated was neither vague nor exaggerated. I certainly made a mistake in saying, that the first prisoner I alluded to, was from Sarun—instead of Bhaugulpore.

It will be seen, that in the two years previous to my report, 1836 and 1837; thirty-one prisoners had died of those banished from Bhagulpore, and thirty-three of those banished from Purneah.

The mistake is of no moment, in respect to my argument, and this explanation will I hope, be deemed satisfactory; and that the Court will forward to Government, to do away with what was said to be vague and exaggerated.

I am happy in having been the means of making the Court aware of the insalubrity of this climate to those of remote districts; and thus of preventing their destruction.

I am, &c.

(Signed) ABER. DICK, *Session Judge.*

Midnapore,
The 5th December, 1838.

STATEMENT of Prisoners received into the Midnapore Jail in banishment from other Districts during the years 1835-36, 37 *and* 38.

	Admitted in 1835.	Died in 1835.	In confinement on the 31st December 1835.	Admitted in 1836.	Total.	Died in 1836.	In confinement on the 31st December 1836.	Admitted in 1837.	Total.	Died in 1837.	In confinement on the 31st December 1837.	Died up to 8th March 1838.
Bhaugulpore,	50	4	46	22	68	14	54	3	57	17	40	2
Poorneeah,	51	1	50	29	79	21	58	0	58	12	46	1
Patna,	8	0	8	1	9	2	7	0	7	1	6	0
Sylhet,	21	1	20	0	20	7	13	0	13	5	8	0
Rungpore,	0	0	0	35	35	4	31	0	31	10	21	0
Sharun,	0	0	0	3	3	0	3	0	3	1	2	0
Behar,	0	0	0	23	23	0	23	0	23	7	16	0
Dacca,	0	0	0	0	0	0	0	12	12	1	11	0
Nagpore,	0	0	0	0	0	0	0	7	7	5	2	0
Beerbhoom,	0	0	0	3	3	0	3	0	3	2	1	0
Teerhoot,	0	0	0	1	1	0	1	0	1	0	1	1
Backergunge,	0	0	0	1	1	1	0	1	1	0	1	0
Total,	130	6	124	118	242	49	193	23	216	61	155	4

(Copy,)

(Signed) M. S. GILMORE, *Magistrate.*

(Signed) ABER. DICK, *Sessions Judge.*

(True Copy,)

(Signed) J. HAWKINS, *Register.*

(No. 379.)

To J. HAWKINS, Esquire,

Register of the Nizamut Adawlut.

Sir,

Judl Dept. I am directed by the Honorable the Deputy Governor of Bengal to acknowledge the receipt of your letter, No. 2832, of the 7th September last, with enclosures, being the Court's annual report on the administration of criminal justice, for the year 1837.

2. The Deputy Governor instructs me to convey to the Court, his acknowledgments for the very complete report now furnished. It exhausts the whole subject, and leaves scarcely any room for remark.

3. Crime has it appears increased during the year in question, by 4,512, as compared with 1836. Of this increase, the larger portion is under the head of "theft unattended with aggravation." The increase in dacoities (102) is much to be lamented.

1	2	3	4	5	6	7	8
Years	Heinous Crimes.	Petty Offences.	Acquittals	Convictions.	Commitments.	Remaining under trial	Transfers. Casualties, &c.
1836	15167	24059	28231	31318	3310	2181	203
1837	17186	26548	20595	36071	3945	1368	429

4. The total number of apprehensions by Magistrates in 1837, was 62,408. In 1836, the number was 65,243. These numbers are distributed as in the margin.

5. The number of persons whose cases were pending at the close of the year, before Magistrates and Joint Magistrates, was less than that of the preceding year, by 813, and was in fact exceedingly small, being only 1368 persons among 35 districts.

6. The convictions (including commitments) were 40,016, the acquittals 20,595, shewing as the Court observe, "that in 1837, more evidence was brought to bear upon persons against whom accusations had been preferred, than in the year preceding," and also in connexion with the decrease in apprehensions, "that greater caution was exercised by the Police, in apprehending persons charged with criminal offences." The Court seem inclined to doubt if these two conclusions be satisfactory or not, but the Deputy Governor though far from desiring to judge entirely of the state of a district by these circumstances alone, is yet, clearly of opinion, that caution in apprehending and completeness in convicting, must always be taken as important tests of the ability and conduct of a Police Magistrate.

7. There were it appears during the year 1837, 3,124 appeals, a number greater than in the year preceding, but very small in comparison with the large

number of decisions liable to appeal. This is the more remarkable as greater facilities are now given to appeals than was formerly the case. The modifications and reversals in appeal were 982 though 368 cases of appeal, remained undisposed of at the close of the year.

8. Of commitments to the Sessions including the cases remaining over from 1836, and cases returned by the Nizamut Adawlut, there were 4,422. The number of these convicted, (including references to the Nizamut Adawlut,) was 2,958, to 992 acquittals, (including annulments,) 436 cases were pending at the close of the year.

9. In the Sudder Nizamut Adawlut of 689 cases before the Court during the year, as either referred by the Sessions Judges or specially called for, 418 resulted in conviction, and 108 in acquittal.

10. On the whole, the Deputy Governor concurs with the Court in deeming the results of the year satisfactory.

11. Few of the districts require particular remark :—The opinions recorded by the Court, are with few exceptions favorable to the functionaries employed, who appear to have exerted themselves with becoming assiduity and judgment.

Zillah Hooghly.

12. The Deputy Governor is happy to perceive, that Mr. Samuells has risen in the Court's estimation, and that the anticipations of his efficiency expressed by the Right Hon'ble the Governor of Bengal, in His Lordship's remarks on the last annual report, have not been disappointed. The testimony borne by the Officiating Sessions Judge, and the Court to his zeal and assiduity is highly creditable to his official character.

Zillah Jessore.

13. The returns from this district call for no particular remark.

Zillah Midnapore.

14. His Honor is happy to observe that an improvement in the administration of criminal justice in this district, is considered to have taken place, and that the Sessions Judge and the Court have been led to think more highly of Mr. Gilmore's official qualifications; this officer has already on the favourable report of the Commissioner been advanced.

15. His Honor trusts, that the expression of the Court's displeasure will suffice to render Mr. Dick, the Sessions Judge, more careful in the discharge of his duties than it would appear from the Court's observations, he was during the year 1837.

Zillah Nuddea.

16. The Deputy Governor observes with pleasure, that the anticipations which were entertained of an improvement in this district, under the able administration of Mr. Martin have not been disappointed.

Zillah 24-Pergunnahs.

17. The administration of Mr. Patton, as Magistrate of this difficult district, appears to have been very praiseworthy. Mr. Deedes, the Joint Magistrate of Baraset was not so successful, but on the whole he seems to have conducted his duties with correctness.

18. Mr. Cracroft, the Civil and Sessions Judge performed his duties with ability and punctuality. His report is as the Court remark, a creditable document, and in the Court's detailed remarks on its contents, the Deputy Governor concurs The case of the wife of a native convert has particularly engaged the attention of the Deputy Governor, who fully approves of the Court having pointed out to Mr. Patton, the error into which he appears to have fallen with respect to it.

Zillah Cuttack.

19. A great improvement in the criminal administration of this district appears to have been effected, and Mr. Mills and his subordinates will no doubt duly appreciate the approbation of the Court in which the Deputy Governor entirely concurs.

20. As the subject of the operation of Regulation II. 1832, has been discussed at some length in the 37th, and following paragraphs of the reply to your report upon criminal administration for 1836, it is needless to advert further to that subject in the present instance.

Pooree

21. The returns from this District are very creditable to Mr. B. Colvin, but His Honor is inclined to doubt the correctness of the memorandum annexed to paragraph 160 of your letter, for even supposing a criminal trial to occupy only a fortnight. It is barely possible, that there should be but 6 trials of petty offences pending.

Zillah Balasore.

22. This District calls for no particular remark.

Session Court of preceding 3 Districts.

23. His Honor is happy to observe, that the Court consider the manner in which Mr. Hathorn has discharged the Sessions duties to be satisfactory.

Zillah Backergunge.

24. It is satisfactory to observe that the vigorous prosecution of the parties concerned in the daring breaches of the law alluded to in the correspondence of the preceding year, has had its due effect, and that crime has much diminished in the District. For this result, Mr. Stainforth, as well as Mr. Bruce, are entitled to commendation.

25. The river Police establishment alluded to in your 198th paragraph, is now under the consideration of Government.

Zillahs Dacca, Furreedpore and Mymensingh.

26. The Court observe, in commenting on the statements from Furreedpore, that "It appears also from a report furnished by Mr. Garrett, under date the 22d "August last, that when a party presents a petition charging several other persons "with assault, the case is immediately numbered, and remains pending on the file, "until every defendant, *against whom the charge is proved*, is apprehended and pu-"nished;" "involving generally a delay of some months. This practice leads to the "crowding of the statements to an unnecessary degree." The Deputy Governor has been led to believe, that the practice to which the Court allude, is a common practice. It certainly is open to objection, but His Honor is of opinion, that in prescribing to their subordinates, a better mode of practice, care should be taken that cases in which defendants remain unapprehended, be not suffered to fall out of sight. In the same paragraph, the Court add that "the great number of convictions may "also be ascribable to Mr. Garrett's practice of taking the evidence against defen-"dants in their absence, and on their appearance, not giving them an opportunity

"of cross-examining the witnesses for the prosecution, unless they express a wish to "that effect. This practice, the existence of which became known on the revision "of the monthly statements has been prohibited, and the Court trust, continues "no longer." Doubtless, His Honor remarks, there is something anomalous in the practice commented on. But if His Honor rightly understands the Court's circular orders No. 19, of 3d April 1829, and No. 63, of 3d December 1830, quoted on the margin, it is only what the Court itself has directed. On this point, the Deputy Governor desires to have further information.

Vide Appendix.

27. A marked improvement has taken place in the administration of criminal justice in this District, which reflects great credit on Mr. Money, to whose ability, the Sessions Judge offers the most marked testimony. Mr. Shaw's general observations on the occasion of his recent visit to the Mauritius, on the condition of the Indian convicts on that Island, are interesting, and will receive separate consideration.

Zillah Tipperah.

The criminal business of this Joint Magistracy appears to have been very creditably administered, first by Mr. Bruce, and afterwards by Mr. Davidson.

Noacolly.

28. His Honor, the Deputy Governor concurs in the comments of the Court on the administration of justice in this District, and the special points alluded to in the extracts from Mr. Moore's report.

Chittagong.

29. No particular remarks are here called for. The Deputy Governor is happy to perceive, that the Magistrate, (Mr. Mytton,) continued to deserve the marked approbation of his superiors.

Sylhet.

30. The Deputy Governor is sorry to observe, that it has been necessary again for the Court to remark the great number of persons punished for neglect of duty, their strictures on the Magistrates entering in the Statement, persons as convicted of decoity, when in fact they were only punished for neglect, were fully called for, and His Honor requests that the Court will communicate this specially, in such manner as they may think proper to the officer by whom the statements were prepared.

Zillah Beerbhoom.

31. The returns from these Districts call for no comment.

Zillahs Bhaugulpore and Monghyr.

32. The state of the administration of justice in these two Districts appears from the statements before His Honor to be satisfactory. His Honor has however, perused with regret the accounts furnished in your letter of two very serious outrages in the district of Malda, the one, a dacoity, and the other a most aggravated riot arising from disputes regarding the simultaneous observance of a Moossulman and a Hindoo festival. The discovery, conviction, and punishment of the ringleaders in the former, is highly creditable to the Joint Magistrate and the subordinates, through whose agency it was accomplished, and His Honor trusts that suitable rewards have been distributed to any officers or persons who may have deserved them by their exertions. Should this not have been the case, His Honor requests that the Court will institute enquiries with a view to rewarding those who may appear to deserve it.

Zillah Dinagepore and Maldah.

33. With respect to this latter case, the Deputy Governor cannot avoid adverting to the rightness of the punishment awarded to the offenders, arson, plunder,

putting to flight the chief police authority of the District, and even murder were, it would appear, proven against the prisoners, the constituting a case of the greatest atrocity, which was visited by no greater a punishment than 14 years' imprisonment.

City Moorshedabad.

34. His Honor is glad to observe an improvement in this Zillah and places considerable confidence in the exertions of Mr. W. H. Elliott, towards effecting a reform in it. Further agency cannot *now* be required in Moorshedabad. At any rate, the exigencies of the public service elsewhere, will not at present admit of its being afforded.

Zillah Purnea.

35. The statements from Purnea call for no particular remark, the detection of certain mokhtars, " whose sole business appears to have consisted in fomenting quarrels, in extorting money by false complaints and in furnishing the guilty with the means of evading the punishment of their crimes and who carried on their practices with the aid of a band of professional witnesses," and their punishment for perjury and subornation of perjury appears to have given great satisfaction in the district and is highly creditable to the Officiating Magistrate.

Zillah Rajshahye and Pubna.

36. His Honor regrets to observe that so many heinous crimes have occurred in the former of these districts in which the endeavours to arrest the perpetrators were unsuccessful, but he places considerable confidence in Mr. Dirom and has no doubt that he subsequently exerted himself to the utmost to obtain a more favorable result in this important branch of his duty. In Pubna, crime has increased, but a proportionate number of persons have been punished.

Zillah Rungpore and Bogra.

37. The report of the Court on these districts reflects credit on Messrs. James, Metcalfe and Law.

Zillah Behar.

38. Much remains to be done, His Honor fears, before this district can be considered in good order; as however it has been during 1838 entrusted to very able hands, he anticipates that matters will improve—the time of the Court appears to have been needlessly taken up by Messrs. Brown and Dumergue, both of whom appear to have been generally in the wrong in the cases referred by them respectively.

Zillah Patna and Sarun.

39. No remarks appear necessary on the report respecting these districts.

Zillah Shahabad.

40. It is satisfactory to observe that the anticipation of improvement on Mr. Taylor's appointment has been realized.

Zillah Tirhoot.

41. The improvement in this district is creditable to Mr. Trotter.

Zillahs Burdwan and Bancoora.

42. No remarks appear necessary.

43. With reference to your letter No. 2914 dated the 28th September last relating to the administration of criminal justice in the extra-Regulation Provinces, I am instructed to add that the Deputy Governor considers the result to be generally creditable to the officers concerned.

I am, &c.

FORT WILLIAM, *The 19th February*, 1839.

(Signed) FRED. JAS. HALLIDAY,
Secy. to the Govt. of Bengal.

APPENDIX.

April 3d 1829.

To the several Magistrates and Joint Magistrates.

No. 19.
Transmitting extracts from a letter from the Judicial Secretary, and requesting a strict adherence to the rule therein quoted from Regulation III. 1812.

I am directed by the Court of Nizamut Adawlut to transmit to you the accompanying extracts, paragraphs 4, 5, and 6, of a letter from the Secretary to Government in the judicial department under date the 10th ultimo, and to request your strict adherence to the rule cited in the 4th paragraph, with a view to prevent the indiscriminate summons or apprehension of persons charged with petty offences.

Extract of a letter from the Secretary to Government in the Judicial Department, to the Register of the Nizamut Adawlut, dated the 10th of March, 1829.

4. The practice adopted by the Magistrate of Tipperah, as stated in his letter, of summoning only one defendant in the first instance, and postponing the summons of others until he has taken the evidence of the prosecution, is not strictly conformable to the Regulations; nor is it, in the judgment of the Vice-President in Council, so well calculated to secure the object intended as an adherence to the rule prescribed in Clause 6, Section 2, Regulation III. 1812, which directs, that "with the view of further restraining the institution of prosecutions for adultery, "fornication, calumny, abusive language, trespasses, and assault, which ordinarily "prove to be unfounded, misrepresented, or greatly exaggerated, the Magistrates "are hereby strictly prohibited from issuing any process on these as well as charges "for more heinous offences, without previously examining the prosecutor as to the "specific facts of the case, and satisfying themselves that adequate grounds exist "for proceeding against the accused party. In cases likewise, in which the Magis-"trate shall see grounds to distrust the truth of a charge, he shall, previously to "issuing process against, may judge proper, and examine them as to their knowledge "of the facts and circumstances which are the subject of the complaint."

DECEMBER 3D, 1830.

To the several Magistrates and Joint Magistrates.

No. 63.

Transmitting extracts relating to the measures to be adopted in cases of affrays, and shewing the means used by the Magistrate of the city of Dacca, to prevent the unnecessary summoning of persons charged with trivial offences

I am directed by the Court of Nizamut Adawlut to transmit to you for your information and guidance, accompanying extracts from a letter (paragraph 3) this day addressed to the Secretary to Government in the Judicial Department, on the general circuit report of the Commissioner of Circuit for the 15th (Dacca) division, for the second Sessions of 1829, relating to the measures to be adopted in cases of actual or expected affrays; and from a letter (paragraphs 6 and 7) from the Magistrate of the city of Dacca, shewing the measures adopted by him to prevent the unnecessary summoning of persons charged with trivial offences.

Extract of a letter from the Magistrate of the City of Dacca to the Commissioner of Circuit of the 15th Division, under date the 28th May 1830.

Para. 6. With reference to the 6th paragraph of your letter, I have the honor to forward copy of a roobakary, held on the 14th July 1829, containing instructions issued to the Assistants and Sudder Ameens attached to this Court, requiring the former to embody in a proceeding, the proof adduced against the accused previous to issuing a summons for their attendance, and directing the latter to abstain from summoning the accused, till they have submitted to me the original depositions of the witnesses with the substance of their evidence embodied in a roobakary. It is to this measure, which effectually prevents any person being dragged into the Sudder Station without good and sufficient grounds, that I chiefly attribute the decrease which has taken place in the number of persons apprehended during the period adverted to in your letter. A careful investigation of the registers of cases decided by the Assistants and Sudder Ameens, at once pointed out the seat of the disease, and the remedy, there was no difficulty in applying.

Para. 7. I have little doubt that the observance of the same precautions added to positive injunctions to the Police darogahs on the subject, which have also been attended with good effect in this District, would be found equally successful in other jurisdictions.

MAGISTRATES.

DISTRICTS.	Years.	Heinous Crimes.	Petty Offences.	Acquittals.	Convictions.	Commitments.	Remaining under Trial.	Transfers, Casualties, &c.	Total Number of Apprehensions.	Proportion of Convictions to Acquittals.	Appeals.	Confirmed.	Modified or Reversed.	Pending.	SUMMARY OF COURT'S REMARKS.
Burdwan,	1836	268	1008	2169	1103	94	76	0	3442	0.50	76	35	33	8	Criminal business of *every* description actually pending on the 31st December, 1837, consisted of 111 cases, and is considered satisfactory by the Court.
	1837	212	678	749	918	128	17	13	1855	1.26	137	64	47	26	
Bancoorah,	1836	106	325	373	729	21	12	31	1166	1.95	34	24	4	6	59 Cases of *every* description were pending on the 31st December, 1837.
	1837	520	350	244	700	35	56	3	1038	2.90	32	14	11	7	
Hooghley,	1836	259	1037	1710	1385	92	48	0	3235	0.81	286	163	53	70	384 Cases of *every* description were pending—Court consider the number of "Heinous Crimes," pending (30) to be considerable.
	1837	279	1017	1205	1415	75	69	9	2773	1.17	236	133	70	33	
Jessore,	1836	109	668	1100	1293	147	76	0	2616	1.17	116	72	33	11	533 Cases of *every* description were pending—Court consider the number to be very considerable.
	1837	152	831	634	1162	92	35	0	1923	1.83	108	63	24	21	
Midnapore,	1836	290	432	715	633	142	31	0	1521	0.89	7	5	2	0	201 Cases of *every* description were pending—the number of "Petty Offences," is considered large.
	Hidgellee,	68	121	238	217	30	56	2	543		1	0	1	0	
	1837	487	1356	732	1176	73	46	12	2039	1.60	76	33	11	32	
Nuddea,	1836	253	417	1203	908	76	90	4	2281	0.75	24	16	6	2	171 Cases of *every* description were pending—of these 153 were "Petty Offences."
	1837	253	342	648	1402	120	35	1	2206	2.31	101	67	20	14	
24-Pergunnahs,	1836	239	502	309	2057	24	13	0	2403	6.65	50	28	22	0	18 Cases of *every* description were pending—which is considered very creditable.
	1837	260	426	373	1433	80	23	5	1914	4.03	106	61	33	12	
Baraset,	1836	146	649	329	577	41	27	2	976	1.45	66	44	21	1	220 Cases of *every* description were pending—considered very large.
	1837	199	617	283	375	59	106	3	826	1.32	52	18	29	5	
Cuttack,	1836	1490	610	836	628	38	12	2	1516	0.75	4	3	1	0	66 Cases of *every* description were pending—considered satisfactory.
	1837	3176	482	477	1076	137	11	4	1705	2.25	48	22	21	5	
Khoordah,	1836	898	264	410	594	116	3	20	1143	1.45	1	0	1	0	11 Cases of *every* description were pending—considered very creditable.
	1837	1254	179	439	600	123	22	5	1189	1.36	9	2	6	1	
Balasore,	1836	263	259	219	206	7	19	4	455	0.94	1	0	1	0	34 Cases of *every* description were pending—considered very satisfactory.
	1837	418	187	197	297	21	25	13	553	1.50	21	6	15	0	
Backergunge,	1836	101	685	822	2233	351	107	3	3516	2.71	208	88	74	46	216 Cases of *every* description were pending—considered satisfactory.
	1837	60	945	537	2112	144	38	3	2834	3.93	178	105	66	7	
Dacca,	1836	140	330	297	551	112	35	1	996	1.89	54	21	17	16	515 Cases of *every* description were pending—considered large.
	1837	868	1051	416	934	72	55	1	1478	2.24	84	36	43	5	
Furreedpore,	1836	120	3048	470	1129	102	67	0	1768	2.40	89	58	28	3	512 Cases of *every* description were pending—unsatisfactory.
	1837	108	2774	191	937	66	15	6	1215	4.91	89	49	27	13	
Mymunsingh,	1836	202	1920	431	626	62	71	25	1215	1.45	72	41	22	9	386 Cases of *every* description were pending—very unsatisfactory.
	1837	233	1905	304	522	172	85	39	1122	1.72	357	220	121	16	
Tipperah,	1836	141	1062	546	366	50	98	4	1064	0.67	76	39	28	9	240 Cases of *every* description were pending—very satisfactory.
	1837	131	1096	383	1216	96	15	5	1715	3.17	135	70	47	18	
Noacolly,	1836	74	584	810	468	35	55	6	1374	0.57	65	34	22	9	144 Cases of *every* description were pending—upon the whole satisfactory.
	1837	67	583	268	468	35	29	3	803	1.74	4	3	1	0	
Chittagong,	1836	87	832	982	976	95	48	0	2101	0.99	107	53	45	9	753 Cases of *every* description were pending—considered large.
	1837	122	731	913	1049	124	38	2	2126	1.14	179	73	46	60	
Sylhet,	1836	543	873	850	1163	57	84	2	2156	1.36	27	16	9	2	309 Cases of *every* description were pending.
	1837	781	928	1091	1374	223	69	8	2765	1.26	89	62	24	3	
Beerbhoom,	1836	310	517	869	1528	37	82	10	2526	1.75	7	6	1	0	325 Cases of *every* description were pending—considered satisfactory.
	1837	226	677	580	1674	33	7	135	2429	2.88	32	22	8	2	

MAGISTRATES.

DISTRICTS.	Years.	Heinous Crimes.	Petty Offences.	Acquittals.	Convictions.	Commitments.	Remaining under Trial.	Transfers, Casualties, &c.	Total Number of Apprehensions.	Proportion of Convictions to Acquittals.	Appeals.	Confirmed.	Modified or Reversed.	Pending.	SUMMARY OF COURT'S REMARKS.
Bhaugulpore,	1836	184	362	133	805	59	9	1	1007	6·05	26	11	8	7	120 Cases of *every* description were pending—satisfactory.
	1837	488	449	237	850	158	7	9	1261	3·58	53	30	20	3	
Monghyr,	1836	332	468	358	891	69	43	27	1388	2·49	53	29	17	7	141 Cases of *every* description were pending—satisfactory.
	1837	579	759	587	1014	62	21	13	1697	1·72	52	38	14	0	
Dinagepore,	1836	3053	692	892	1120	140	1	0	2153	1·25	4	3	1	0	89 Cases of *every* description were pending—very satisfactory and creditable.
	1837	1949	916	260	1277	66	0	0	1603	4·91	22	8	8	6	
Maldah,	1836	75	407	598	583	64	20	0	1265	0·97	6	2	4	0	No statement of cases pending has been furnished, but the number must be very small.
	1837	126	483	301	822	151	3	8	1285	2·73	47	16	8	23	
Moorshedabad,	1836	174	155	1313	588	78	166	5	2150	0·45	120	59	57	4	365 Cases of *every* description were pending—considered large.
	1837	203	541	797	875	43	150	23	1888	1·09	76	51	17	8	
Purneah,	1836	772	500	701	759	142	81	6	1689	1·08	15	5	8	2	170 Cases of *every* description were pendiug—satisfactory.
	1837	567	574	774	892	231	39	2	1938	1.15	35	15	11	9	
Rajeshaye,	1836	140	395	898	620	44	32	5	1599	0.69	13	9	4	0	No statement of cases pending has been furnished, but they could not have been considered.
	1837	269	329	543	888	57	19	13	1520	1·63	50	42	7	1	
Pubna,	1836	138	341	605	747	62	221	0	1635	1·23	20	10	9	1	901 Cases of *every* description were pending—very heavy, requiring unremitting attention.
	1837	164	673	1002	1213	119	84	5	2423	1·21	72	41	26	5	
Rungpore,	1836	526	834	972	1604	202	35	2	2815	1·65	5	3	2	1	99 Cases of *every* description pending—very satisfactory and evinces great attention.
	1837	350	875	288	1797	101	6	2	2194	6.24	75	47	26	2	
Buggorah,	1836	336	211	266	352	39	20	3	680	1·32	6	3	3	0	51 Cases of *every* description were pending—very creditable.
	1837	336	293	245	459	26	1	2	733	1·87	30	15	13	2	
Behar,	1836	255	209	922	377	254	123	5	1681	0·40	66	25	34	7	47 Cases of *every* description were pending—very creditable.
	1837	288	411	1020	689	488	32	10	2239	0·57	75	44	31	0	
Patna,	1836	798	995	1392	862	111	92	5	2462	0·62	93	52	33	8	102 Cases of *every* description were pending—satisfactory.
	1837	961	1044	1247	1325	192	17	16	2797	1·06	123	71	52	0	
Sarun,	1836	373	748	1484	1022	134	125	9	2773	0·69	183	129	39	15	145 Cases were pending in Sarun, and 86 in Chumparun, of *every* description—satisfactory.
	1837	334	641	1080	880	94	104	29	2187	0·86	156	90	40	26	
	Chumparun,	44	68	87	133	13	32	1	266	0	5	1	1	3	
Shahabad,	1836	275	501	1012	584	112	79	8	1795	0·57	125	85	40	0	48 Cases of *every* description were pending—very satisfactory.
	1837	478	560	736	995	175	24	6	1936	1·71	43	35	8	0	
Tirhoot,	1836	1629	1098	997	1034	71	24	11	2137	1·03	57	32	13	12	139 Cases of *every* description were pending—satisfactory.
	1837	944	777	727	1092	61	33	10	1923	1·50	137	107	30	0	
Total,	1836	15167	24059	28231	31318	3310	2181	203	65243	1·11	2164	1133	696	265	The Cases entered in this Column are "Heinous and Petty "Offences, Appeals, Proceedings from other Districts and "Miscellaneous Cases," being the entire business pending on the 31st December, 1837.
	1837	17186	26548	20595	36071	3945	1368	429	62408	1·75	3124	1774	982	368	

ZILLAHS.	Years.	Total Commitments, including Balance of former year and cases returned by the Nizamut Adawlut.	Convictions.	Acquittals.	Referred to the Nizamut Adawlut.	Escapes, Deaths and Insane.	Annulled.	Pending.	Total number of cases called for and specially referred, including Balance of former year.	Convicted.	Acquitted.	Escapes, Deaths and Insane.	Returned to the Session Judge.	Pending.
	BEFORE THE SESSION JUDGES.								BEFORE THE NIZAMUT ADAWLUT.					
Burdwan,	1836	132	72	19	24	0	0	16	32	16	13	0	2	1
	1837	144	43	40	19	0	26	15	29	15	12	0	2	0
Bancoorah,	1836	20	11	3	3	0	0	3						
	1837	38	5	10	10	0	0	13						
Hooghley,	1836	99	44	47	5	0	0	3	5	3	1	0	0	1
	1837	78	14	24	20	0	0	20	21	5	4	0	0	12
Jessore,	1836	157	97	23	17	0	0	20	17	17	0	0	0	0
	1837	112	72	14	6	0	0	20	6	5	1	0	0	0
Midnapore, including Hidgellee,	1836	182	71	70	8	0	0	24	11	7	3	0	0	1
	1837	97	30	14	25	1	0	28	26	19	0	1	0	6
Nuddea,	1836	74	42	24	6	0	0	2	6	0	2	0	0	4
	1837	122	49	16	24	2	0	31	28	10	17	0	0	1
24-Pergunnahs, including Baraset,	1836	68	19	19	11	1	0	18	11	8	1	2	0	0
	1837	152	89	45	16	0	0	2	16	10	5	0	0	1
Cuttack, Khoordah and Balasore,	1836	152	35	11	95	7	0	4	99	9	7	0	0	83
	1837	287	231	18	31	0	0	0	114	104	2	0	0	8
Backergunge,	1836	381	289	26	35	2	1	27	38	18	5	0	6	9
	1837	170	101	6	17	0	45	1	25	18	6	1	0	0
Dacca,	1836	127	42	1	50	0	0	34	83	24	22	0	37	0
	1837	147	49	40	55	0	3	3	69	46	14	1	0	8
Furreedpore,	1836	119	70	20	29	0	0	0						
	1837	66	34	12	10	0	0	10						
Mymunsingh,	1836	65	27	23	14	1	0	0	14	6	2	0	0	6
	1837	176	67	36	10	1	0	62	16	7	6	1	2	0
Tipperah,	1836	52	32	18	2	0	0	0	2	1	0	0	0	1
	1837	94	48	24	20	1	0	1	25	8	3	0	0	14
Noacolly,	1836	35	31	4	0	0	0	0						
	1837	35	23	8	4	0	0	0						
Chittagong,	1836	112	42	44	13	0	0	13	12	8	4	0	0	0
	1837	149	57	73	13	0	0	6	14	0	1	0	13	0
Sylhet,	1836	70	28	14	9	0	0	19	9	2	7	0	0	0
	1837	241	141	58	39	3	0	0	44	39	1	1	0	3
Bhaugulpore, including Monghyr,	1836	137	82	7	36	1	11	0	45	22	23	0	0	0
	1837	253	149	40	31	17	3	14	31	21	1	0	0	9

ZILLAHS.	Years.	BEFORE THE SESSION JUDGES. Total Commitments, including Balance of former year and cases returned by the Nizamut Adawlut.	Convictions.	Acquittals.	Referred to the Nizamut Adawlut.	Escapes, Deaths and Insane.	Annulled.	Pending.	BEFORE THE NIZAMUT ADAWLUT. Total number of cases called for and specially referred, including Balance of former year.	Convicted.	Acquitted.	Escapes, Deaths and Insane.	Returned to the Session Judge.	Pending.
Beerbhoom,	1836	37	29	2	6	0	0	0	7	7	0	0	0	0
	1837	33	20	12	0	1	0	0	0	0	0	0	0	0
Dinagepore, including Malda,	1836	235	103	89	9	5	0	29	9	8	0	0	0	1
	1837	246	139	24	58	5	0	20	59	9	1	0	0	49
Moorshedabad,	1836	82	15	52	5	1	1	8	11	10	1	0	0	0
	1837	50	29	15	2	2	0	2	2	0	1	0	0	1
Purneah,	1836	143	71	39	27	0	0	6	28	7	10	0	0	11
	1837	240	125	38	6	2	0	69	17	10	5	1	1	0
Rajeshaye, including Pubna,	1836	337	238	38	15	2	0	44	12	11	1	0	0	0
	1837	217	65	78	23	0	0	51	25	23	0	2	0	0
Rungpore, including Bogra,	1836	260	157	60	31	0	0	12	31	25	3	0	0	3
	1837	139	95	19	11	0	1	13	14	11	0	1	0	2
Behar,	1836	265	161	32	33	0	0	39	49	25	6	1	0	17
	1837	530	350	120	52	7	0	1	67	29	22	0	3	13
Patna,	1836	124	85	23	13	0	0	3	18	15	2	0	0	1
	1837	199	100	53	20	0	10	16	21	10	5	0	5	1
Sarun, including Chumparun,	1836	145	44	33	14	0	0	54	54	22	12	0	0	0
	1837	161	109	25	7	1	1	18	8	8	0	0	0	0
Shahabad,	1836	115	43	36	27	0	0	9	28	19	9	0	0	0
	1837	184	143	20	11	0	0	10	11	11	0	0	0	0
Tirhoot,	1836	70	43	4	23	0	0	0	26	21	4	0	1	0
	1837	62	40	21	1	0	0	0	1	0	1	0	0	0
Total,	1836	3795	2023	781	560	20	13	387	637	311	138	3	46	139
	1837	4422	2417	903	541	43	89	436	689	418	108	9	26	128

FINIS.

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REPORT

OF THE

COURT OF NIZAMUT ADAWLUT,

ON THE

Administration of Criminal Justice

IN THE

Territories subject to the Government of

BENGAL,

FOR THE YEAR

1838.

CALCUTTA:

G. H. HUTTMANN, BENGAL MILITARY ORPHAN PRESS.

1840.

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No. 2966.

To F. J. Halliday, Esquire,

Secretary to the Government of Bengal in the Judicial Department.

Sir,

I am directed by the Court of Nizamut Adawlut to request that you will lay before his Honor the Deputy Governor of Bengal, the Annual Statements agreeably to the annexed list, marked A. connected with the administration of Criminal Justice for the Lower Provinces for the year 1838. The report has been prepared in the same manner as that for the year 1837.

Nizamut Adawlut.
Present:
R. H. Rattray, W. Braddon, and C. Tucker, Esquires, Judges.

2. The following extract from my despatch of 3d August No. 2140, will shew His Honor the Deputy Governor the number of days that the Court of Nizamut Adawlut was closed, and the names of the Judges who transacted the criminal business during the year 1838.

Para. 10. The Court of Sudder Dewanny was closed for 120 days during the past year, as noted in the margin:* the business of the Court was transacted during the year 1838, by the following Judges:

* Sundays,	52
Moharrum,	15
Dusserah,	34
Other Holidays,	19
	120

Mr. Rattray throughout the year, (but absent from the 1st to 12th October, on deputation to Moorshedabad.)

Mr. Braddon throughout the year. (He was absent one month on leave.)

Mr. Hutchinson from the commencement of the year to the middle of September, when he died.

Mr. Money resumed his seat in the Court on the 15th of March, and continued to the end of the year.

Mr. Halhed joined the Court on the 19th of March, and died on the 31st of July.

Mr. Reid joined his appointment of Officiating Judge on the 9th of October, and continued to the end of the year.

Mr. Harding from 1st January to the 2d of March, on which date he resigned the office.

3. The number of criminal trials, pending, referred, and disposed of during the year 1838, was as follows:

Pending on 31st December 1837,	53
Referred in 1838,	197
	250.
Decided in the year 1838,	216
Pending on 31st December 1838,	34

4. The following statement gives the same information with respect to cases called for by the Court, either at their English sittings, or by precept on appeal from the orders of the lower courts passed in trials held in the sessions courts:

Pending on the 31st December 1837, ...	41
Called for in 1838, ...	117
	158
Decided in 1838,.....	139
Pending on 31st December 1838, ...	19

5. The number of miscellaneous criminal petitions filed and disposed of in the year 1838, was as follows:

Pending on the 31st December 1837,.....	77
Admitted in 1838, ...	347
Total, ...	424
Decided in 1838,.....	379
Pending on 31st December 1838, ...	45

6. Of the cases of trials held in the sessions courts, called for by the Court, the sentences of the Session Judges were confirmed in 79 trials, and modified or reversed in 60.

7. Of the miscellaneous petitions 4 were rejected, the Court either having no jurisdiction, or seeing no just grounds for interference—150 applications were withdrawn, and in 40 cases the orders passed by the subordinate courts were either modified or reversed.

8. The total number of criminal trials disposed of by the Court during the year 1838 was 355, in which opinions were recorded by the Judges, as per following statement:

Mr. Rattray recorded his opinion in	158
Mr. Braddon, ...	206
Mr. Hutchinson,.....	119
Mr. Money,.....	162
Mr. Halhed, ...	67
Mr. Reid,.....	35
Mr. Harding, ...	10
Total, ...	757

9. The regular trials included the cases of 657 prisoners, who were sentenced as follows:

1. Death, ...	38
2. Imprisonment for life, ...	81
3. Imprisonment for 21 years, ...	1

4. Imprisonment for 14 years,	69
5. Imprisonment for 7 and not exceeding 14 years,	52
6. Imprisonment for less than 7 years,	86
Acquitted,	171
Died in jail,	2
Returned after reference,	48
Remaining for trial,	118
Total, ...	657

10. The total criminal business pending in the Court of Nizamut Adawlut on the 31st December 1838, was as follows:

Trials referred,	34
Trials called for,	19
Miscellaneous petitions,	45
Total, ...	98

11. Special Sessions were held by the undermentioned Commissioners and Session Judges:

The Commissioner of the 16th Division for Chittagong.

The Commissioner of the 19th Division for Central Cuttack.

The Officiating Special Session Judge for the trial of Thugs, for Sarun.

The Officiating Session Judge of Sylhet for Mymensing.

The Session Judge of Mymensing for Sylhet.

The special sessions held by the Commissioner of the 16th Division was for the trial of four prisoners, who were committed by the Civil Judge of Chittagong. The prisoners were in every case acquitted. The Commissioner of the 19th Division held special sessions for the trial of two prisoners committed by the Officiating Civil Judge of Cuttack. Their cases were referred to the Nizamut Adawlut. At the special sessions held by the Officiating Session Judge for the trial of Thugs, three prisoners, committed by the Officiating Civil Judge of Sarun, were tried and convicted. The Civil Judge of Mymensing committed eight prisoners, who were tried at Sylhet, in the month of December, at a special sessions held by the Officiating Session Judge of that district. Four prisoners were acquitted, and the trial of the remainder was postponed for the appearance of witnesses. The Session Judge of Mymensing held a special sessions for the trial of the treasurer of the Civil Court of Sylhet, which resulted in the conviction of the prisoner.

East Burdwan.

MAGISTRATE'S COURT.

12. The following officers had charge of the magistracy of East Burdwan, during the year 1838, viz.

Mr. J. B. Ogilvy from 1st January to 1st June, and from 4th September to 8th November.

Mr. M. A. Shawe from 2d June to 29th July.

Mr. A. Grant for one day, 30th July.

Mr. J. T. Mellis from 31st July to 3d September, and from 8th November to 31st December.

* Acquitted,		474
Convicted,		535
Committed,		50
Died,		10
Escaped,		9
Transferred to other jurisdictions,		313
Under trial:		
In jail,	36	102
On bail,	66	
		1487

13. At the close of the year 1837, there were 17 persons under examination, viz. 2 in jail, and 15 on bail or personal recognizance, and 1470 persons were apprehended or summoned during the year 1838, making a total of 1487. These persons were disposed of as noted in the margin.*

* Heinous Crimes,		289
Apprehended,		231
Convicted,	70	
Acquitted,	94	
Petty offences,		398
Apprehended,		1239
Convicted,	465	
Acquitted,	380	

14. The marginal statement* shows the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." The following observations of Mr. Barlow are fully concurred in by the Court: "I much fear the Court will not consider the result of these statements at all satisfactory. It will be seen, that the number of persons apprehended, including 61 in one, and 356 (313 of these transferred to Hooghly) in another case, that of the soi-disant Rajah of Burdwan, is less by 368 than in the year preceding; the total of convictions is in excess of the acquittals by 61 only, and the number of persons in jail and on bail on the 31st December, 102, far exceeds the arrears of 1837, viz. 17. Under the head of heinous offences it appears that 94 persons were acquitted and 70 convicted, the former preponderating by 24; and in petty offences the convictions only exceed the acquittals by 85: of the convicted, 535, as many as 230 were fined, and of these no less than 189 in sums below 5 rupees. The Court will observe that four gentlemen have at different times had charge of the district; the frequent change of officers cannot but be most prejudicial to the state of the police, and the evil has been augmented by the absence of several officers, both European and native, during the course of the year, who were called down under process from the Supreme Court. The annexed extract from my report submitted on the 7th November last, adverts to the obstructions which have been experienced in the disposal of business in the criminal courts during the year; and the difficulties have been aggravated by the different systems pursued by the various officers, whereby an unsettled state of things has been created: 'The arrears are greater than at the close of the six months ending 31st December 1837. It must be borne in mind however that the Joint Magistrate was absent on leave for one month, and the Assistant was also on

deputation at Bankoorah for some time during the period under review, and, as Mr. Ogilvy remarks, these officers had hardly returned to their duty when the *soi-disant* Rajah's appearance at Kulna, with a large band of followers, occupied both the time and attention of the Magistrate and his Assistant in the investigation of the occurrences which took place on the occasion of the seizure of the assemblage at Kulna. On the 2d of June Mr. Ogilvy was summoned to Calcutta, and Mr. Shawe took charge of the office: Mr. Shawe was active and zealous in the discharge of his duty; great despatch of business could not however be expected from an officer of so little experience, who had to make himself acquainted in a great measure with the duty which devolved on him. I deem it necessary to remark that the criminal report for the current six months, may, in some respects shew rather unfavorably; it will not however be difficult to explain the cause of some delay in the disposal of business. During the month of July, in the absence of Mr. Ogilvy, Mr. Shawe had alone to conduct the whole criminal duty. On the 2d August he too, as well as the Session Judge, was summoned to attend the Supreme Court, and were detained nearly the whole of the month in Calcutta, so that for this period, the duties of Collector, Magistrate, Joint Magistrate, and Assistant, were in the hands of Mr. Mellis, the only officer who was left in the district. Though the arrears are not very large, I cannot but think that a more equal division of labor would have reduced the quantity of business on hand. I have pointed out to the Magistrate the necessity of making a more judicious allotment of work in the Fouzdarry court, not more for the despatch of business, than for the purpose of ensuring a proper surveillance on his part over the courts subordinate to him.' "

15. The Court observe that the detail of miscellaneous crimes has been most unnecessarily lengthened out, the Magistrate having made separate items of single cases, many of which might have been classified under one general head, formed so as to include all offences of a particular character: in one or two instances indeed the same headings have been exactly repeated. The Session Judge is requested to report the circumstances of the case in which 5 persons were convicted by the Magistrate for pressing coolies to be sent to the Mauritius.

16. The number of persons discharged in consequence of Razeenamahs having been filed was 41, and 5 of non-attendance of prosecutors.

17. The number of persons in jail or on bail on the 31st December last, is noted in the margin.*

* In jail,.....	36
On bail, ...	66
	102

18. No case was pending under Regulation XV. of 1824, in Zillah East Burdwan at the close of the year.

19. Eighteen persons were in confinement at the same period in default of security for good conduct.

20. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate in criminal trials and in miscellaneous cases, and the result

APPEALS.

Criminal Trials.

* Pending of 1837, ...	13
Preferred in 1838, ...	82
	95
Confirmed, ...	51
Reversed.....	43
Pending, ...	1
	95

Miscellaneous cases.

Pending of 1837,.....	5
Preferred in 1838, ...	5
	10
Confirmed,..... ..	8
Reversed, ...	2
	10

thereof, are noted in the margin.* The Court agree with Mr. Barlow in the following remarks: "The number of orders of the Magistrate and Joint Magistrate reversed or modified is within 14 of those confirmed, and is not a fair proportion."

* Heinous offences, ...	18
Petty ditto, ...	182
Appeals, ...	5
Proceedings from other districts,.....	37
Miscellaneous cases, ...	3

21. The criminal business actually pending in this district on the 31st December last, is noted in the margin.* It is extremely heavy, but has been greatly reduced since the commencement of the current year.

SESSIONS COURT.

22. Mr. J. Curtis was Session Judge from 1st January to 21st February, and Mr. R. Barlow from that date to the end of the year: 46 days were devoted by them to the disposal of criminal business.

* Acquitted, ...	23
Convicted, ...	27
Referred to Nizamut Adawlut, ...	1
Commitments annulled, ...	12
Under trial, ...	2
	65

23. At the close of the year 1837 there were 15 persons under trial on commitment by the Magistrate of East Burdwan, and 50 persons were committed during the year 1838, making a total of 65. The persons were disposed of in the manner noted in the margin.* The proportion of acquittals is large; but Mr. Barlow observes that the commitments were generally made on sufficient grounds.

24. Nine cases were tried with the assistance of assessors or jurors, and the sentences in the whole of them were passed in accordance with the opinion of the assessors.

25. One trial called for at the English sittings, or by precept on appeal, was disposed of without any interference. Another trial was quashed by the Court at their English sittings in consequence of the prisoner having been convicted of a charge to which he had not been called upon to plead, and a re-trial ordered.

26. One prisoner was referred to the Nizamut Adawlut during the year, who was convicted by the Court.

27. The following is an abstract of the sentences passed on the prisoners convicted in the district of East Burdwan during the year 1838:

By the Nizamut Adawlut.

Imprisonment for 10 years, ... 1

By the Session Judge.

Imprisonment for 14 years and upwards,	1
" 7 years and ditto,	9
" 3 years and ditto,	9
" 1 year and ditto,	8
	27

By the Magistrate and the Assistants.

Six months and not exceeding 3 years,	81
Less than 6 months,	148
Fined,	230
Required to furnish security,	29
Dismissed from employment,	32
Suspended from ditto,	15
	535

GENERAL REMARKS.

28. The statements for East Burdwan were submitted by the late Session Judge, Mr. Barlow, with his letter No. 8, of the 23d January last. They do not, in the opinion of the Court, exhibit any improvement in the administration of criminal justice as compared with the preceding year. The district however, has certainly laboured under disadvantages which are adverted to in the following extract from the Session Judge's report, in whose observations the Court generally concur: " In my letter of November last, I alluded to the small number of persons who had been apprehended during the first six months of the current year: the statements now submitted shew that with reference to the entire year, the apprehensions have been much fewer than in 1837. In a district containing so dense a population and so extensive in its limits, 1072 individuals only, exclusive of those seized with the *soi-disant* Rajah of Burdwan at Kulna, have been brought before the magisterial authorities and their assistants: this return indicates an extraordinary diminution of crime, or necessarily tends to the conclusion, that crime is concealed in the Mofussil; I should be glad indeed if I could assert the truth of the first proposition, but I am satisfied, that I should mislead the Court and the Government were I to entertain and give expression to such an opinion. The class of natives to whom the Mofussil police is entrusted, and the amount of remuneration which they receive, the system which is in force for their conduct of the duties assigned to them, the absence of immediate control throughout the interior of the widely extended jurisdictions, and the practice of employing Magistrates in an officiating capacity according to exigencies, instead of permanently appointing them, and keeping them in charge of districts, that they may acquire local knowledge, as well as knowledge of the people within their jurisdictions, are all serious obstacles to the efficiency of any police. I have already stated that four* gentlemen have at various periods held the office of

* One it is true was only officiating for a single day.

Magistrate in Burdwan during the year: each adopted the course he considered best calculated to ensure security of person and of property, and doubtless conflicting orders, although all aiming at the same ends, have been issued to the Darogahs and other police officers. The authority placed in temporary charge, not knowing how soon he might give it up, is unwilling to interfere with the orders of the individual he relieved, or with matters the conduct and responsibility of which would rest with perhaps an officer altogether newly appointed. A uniform system in the preparation of statements and in the carrying on of criminal duty could not, under such circumstances, be expected; and that understanding between the head of the office and his subordinates, both Sudder and Mofussil, which is so essential for the working of every police system, could not exist. That crime has been concealed I have no doubt. At one period of the year all the officers in the district but one, were at the same time absent for a month in Calcutta; at another the proceedings ensuing on the apprehension of the *soi-disant* Rajah and his followers occupied the time of the Officiating Magistrate and his Assistant for a month. The union of the two offices of Collector and Magistrate during the first half of the year was again an impediment to the despatch of business; and the general unsettled state of the Fouzdaree office, arising from the transfer of the duties from one to another officer, for very short and uncertain periods, have all constituted to render the police less successful than it otherwise might have been. The permanent appointment of experienced officers offers the best remedy for the correction of this state of things."

29. The case of the *soi-disant* Rajah of Burdwan, adverted to in the foregoing extract, was transferred for investigation to the criminal authorities of Hooghly. The principal defendant was tried before the Sessions Court of that district on the charges noted in the margin.* He was convicted on both counts by the Session Judge, but acquitted by the Nizamut Adawlut on all the charges, with the exception of that of false personation, on which he was convicted and sentenced to pay a fine of 1000 rupees.

* 1st Count.—With gross fraud and imposture, in falsely and fraudulently assuming the name of the deceased Maharajah Dheraj Pertabchunder Bahadoor, formerly Zemindar of Burdwan, and pretending in various places during the last two years, to the great disturbance of the general peace and quiet of this country, that he is in verity the aforesaid Zemindar of Burdwan, and that the Zemindary of Burdwan belongs of right to him, and in obtaining money from various individuals, and more particularly from one Radhakissen Bysack, Dewan of the Government Treasury in Calcutta, by means of these and such like false pretences, and 2d Count, charged further with having, in furtherance of the fraudulent pretences abovementioned, instigated and prevailed on divers subjects of the British Government and others, to the number of three hundred and more, unlawfully and tumultuously to assemble at or near the town of Culna in the District of Burdwan, such proceedings being intended or eminently calculated to produce a most serious breach of the peace, and with having there remained at the head of this unlawful assembly from the 13th of April 1838 up to the 2d of May 1838, and with having during that period on various occasions, by the display of superior force, resisted and set at defiance the constituted authorities of the District; he, the said Alukshah, alias Raja Pertabchunder, alias Kistolall Pauree Burhmacharee, having previously on the 4th August 1836, been convicted of a similar offence before the Sessions Court of Hooghly."

30. In consequence of the numerous changes which took place in the magistracy of the district of East Burdwan, the Court are unable to pronounce any opinion on the general administration of the several officers who held the office of Magistrate. The duties of the Sessions Court were very efficiently discharged by Mr. Barlow.

Zillah West Burdwan.

JOINT MAGISTRATE'S COURT.

31. Mr. H. C. Halkett was Joint Magistrate of Zillah West Burdwan during the year 1838. He was however absent from the 28th of March to the 12th of April, during which period Mr. M. Shawe conducted the current duties.

32. At the close of the year 1837 there were 56 persons under examination, viz. 25 in jail, and 31 on bail or personal recognizance, and 1491 persons were apprehended or summoned during the year 1838, making a total of 1547. These persons were disposed of in the manner noted in the margin.*

* Acquitted,		663
Convicted,		787
Committed,		27
Died,		2
Escaped,		1
Transferred to other jurisdictions,		36
Under trial:		
In jail,	2	31
On bail,	29	
		1,547

33. The statement entered in the margin* exhibits the number of persons apprehended, convicted, and acquitted in "heinous crimes" as well as in "petty offences." On this subject the Session Judge has the following remarks, in which the Court concur:

* Heinous crimes,		476
Apprehended,		370
Convicted,	129	
Acquitted,	201	
Petty offences,		480
Apprehended,		1121
Convicted,	658	
Acquitted,	462	

"The number of persons apprehended, exceeds that of the preceding year by about one-third; while the number of persons convicted during the past year, bears a much smaller proportion to the number apprehended, than was the case in 1837. This disproportion is greater in heinous crimes than in petty offences; no less than 453 persons were brought to trial for neglect of duty during the year, while only 262 individuals were punished for that offence. This result would imply not only a defective state of the police, but also that a great number of persons connected with it, must have been unnecessarily summoned by the Joint Magistrate.

"The increase in the amount of crime during the year, is to be attributed chiefly to the circumstance of 3 Thannahs, viz. those of Indoss, Potenah and Ausgaon, having been transferred to this jurisdiction from East Burdwan during the latter part of 1837, while the Thannahs of Ookerah, Choorooleeah, and Seinpaharee, which should have been made over to Beerbhoom at the same time, under the orders of Government of the 11th July 1837, were not annexed to that district, till the 1st of June last."

34. Twenty-five persons were discharged in consequence of razeenamahs having been filed, and 7 of non-attendance of prosecutors.

35. The number of persons under trial in jail and on bail on the 31st of December last, is noted in the margin.*

* In jail,	2
On bail,	29
	31

36. One case instituted under Regulation XV. of 1824, was pending in this district at the close of the year. The Session Judge remarks that the provisions of this Regulation are not much resorted to in the district of West Burdwan.

37. Nineteen persons were in confinement on default of security for good conduct at the same period, seven of them under the orders of the Session Judge.

APPEALS.

Criminal trials
Pending of 1837,..... 7
Preferred in 1838,..... 101
108

Confirmed,..... 46
Reversed, ... 47
Pending,..... 9
Transferred to Beerbhoom, ... 6
— 108

Miscellaneous cases.
Preferred,..... 5
Confirmed,..... 1
Reversed, ... 4
— 5

38. The number of appeals preferred from the decisions of the Joint and Assistant Magistrate in regular trials, and in cases of a miscellaneous nature, and the results thereof, are noted in the margin.* The results exhibiting a very large proportion of orders reversed or modified, cannot be considered satisfactory.

* Heinous offences, ... 4
Petty ditto, ... 30
Appeals,..... 4
Proceedings from other districts, ... 6
Miscellaneous cases,..... 7

39. The criminal business actually pending in Zillah West Burdwan on the 31st of December last, is noted in the margin* and calls for no particular remark.

SESSIONS COURT.

40. Baboo Doorganarain Roy was in charge of the current duties of the Session Judge's office from the 1st January to the 13th of March, when Mr. F. Goulds-bury received charge of the district, and conducted the duties of the Sessions Court to the end of the year.

* Acquitted, ... 12
Convicted,..... 23
Referred to Nizamut Adawlut, ... 4
Under trial, ... 1
40

41. At the close of the year 1837, there were 13 persons under trial on commitment by the Joint Magistrate of Bancoorah, and 27 persons were committed during the year 1838, making a total of 40. They were disposed of in the manner noted in the margin.* "The commitments," observes the Session Judge, "generally appear to have been judiciously made, and the result of them is creditable to Mr. Halkett, by whom the preliminary enquiries in all these cases have been conducted. The only case which appeared to me not to have been thoroughly investigated, was that of Madhoo Dome, No. 1 of the statement of acquittals for June, in which the Mofussil confession appeared to have been improperly obtained by the police officers." The explanation of the Joint Magistrate, however, in the case of Madhoo Dome, was considered sufficient by the Nizamut Adawlut to exonerate that officer from blame in making the commitment. The Court observe that up to the month of September, the trials were conducted by the Session Judge with the aid of assessors, and that the duty was generally discharged by them in a satisfactory manner.

42. One case was called for by the Nizamut Adawlut, in which the sentence of the Session Judge was annulled and the prisoners ordered to be released.

* Convicted, ... 2
Pending, ... 2
4

43. Four prisoners were referred to the Nizamut Adawlut, during the past year, and they were disposed of in the manner noted in the margin.*

44. The following is an abstract of the sentences passed on the prisoners convicted in the district of West Burdwan during the year 1838:

By the Nizamut Adawlut.

Imprisonment for 14 years, ... 2

By the Session Judge.

Imprisonment for	14 years and upwards,	2
"	7 years and upwards,	7
"	3 years and ditto,	9
"	1 year and ditto,	5
		23

By the Magistrate and his Assistants.

Six months and not exceeding 3 years,	74
Less than 6 months,	135
Fined,	451
Required to give security,	21
Dismissed from service,	106
	787

GENERAL REMARKS.

45. The statements for West Burdwan were submitted by Mr. Gouldsbury with a very creditable report, dated 31st January last. On the general administration of criminal justice in the district during the past year, Mr. Gouldsbury has the following remarks: "The general result exhibited in the criminal statements of this district for the past year, cannot be considered satisfactory, petty crimes have been on the increase, and the same failure of the exertions of the Police to bring the offenders in heinous to justice, which was noticed by the Court in their remarks on the statement for the preceding year, is still observable, while the large proportion of persons apprehended, who have been acquitted would make it appear, that a great number of people have been taken up on insufficient grounds.

"I do not however attach the blame for this state of things to the gentlemen who had charge of the district during the period under review; to do so would be equally unreasonable and unjust, when it is considered, that in addition to the duties of Deputy Collector (which are by no means light) Mr. Halkett was during the greater part of the year obliged to conduct the whole of the magisterial duties of this extensive jurisdiction, with no other assistance than what could be derived from the native judges in the disposal of petty criminal cases, and that only since the removal of this court to Bancoorah. As long as the present class of men fill the office of police Darogah, and receive the paltry pittance which is assigned to them as pay, the police of this country will be defective, and the Darogahs will, in spite of all that a Magistrate can do, abuse the powers entrusted to them, particularly as regards sending innocent men to the Sudder station, charged with heinous crimes, which is one of the most formidable engines for extortion that they possess. Under such a system, it would obviously be most unfair to blame a Magistrate, when the convictions in his district may bear a small proportion to the number of persons apprehended; on the contrary, particularly in

the case of local disturbances, such as occurred in this district in the month of May last, the apprehension of a number of persons may be necessary to preserve the peace of the district, although many of them may subsequently be released. In the disturbance which took place at Amdaugrah in this district above alluded to, 95 persons were taken up, of whom only 65 were convicted. I may here take occasion to observe, that the promptness and energy which were evinced by Mr. Halkett in putting down this disturbance, entitles him to much praise. For had not the insurrection been put down at its commencement, before it had gained any height, the consequences might have been most serious. The cause of the disturbance was purely local, it having originated in the oppressive conduct of the native manager of an indigo factory of Dr. Cheek, who had taken possession of some Ghatwally lands, alleging that they formed a part of his talook: this irritated the holders of these lands to such a degree, that they and their brethren rose in a body, and proceeded to take summary vengeance on the Gomashta. It is quite a mistake to suppose that this disturbance was in any way connected with the claimant to the Burdwan Raj (Purtabchand) as has been generally imagined. It would have occurred, even if Purtabchand had never appeared."

46. In the marginal extract from his letter of the 31st January last, Mr. Gouldsbury again urges the necessity of giving further assistance to the Joint Magistrate of Bancoorah. This subject, the Court observe, was discussed at considerable length in the course of the year 1838, and the Court submitted their opinion to Government in a letter dated 1st February last, (but one day after the date of Mr. Gouldsbury's report,) to the effect that no further assistance was required by that officer.

"The expediency of affording some additional aid to the Joint Magistrate, has been suggested in the correspondence noted in the margin,* and further experience has only impressed me more fully with the conviction, that the administration of criminal justice in this district can only be placed on an efficient footing by relieving the Magistrate of all duties not connected with the criminal department. It is altogether impossible for an officer whose attention is distracted by so many different and incongruous functions, and who is under the control of so many different masters, to devote sufficient attention to any *one* department, to enable him to conduct the duties of it with efficiency. I would suggest, that a separate Magistrate be appointed to this district, and that the revenue duties be performed either by a sub-collector or by an assistant with extra powers, subordinate to the Collector of Burdwan. As far as the civil and criminal jurisdiction is concerned, West Burdwan should be considered, as it really is, a separate and distinct district. It is a misnomer to talk of a Joint Magistrate, when that officer possesses independent jurisdiction over a district which is under the control of a separate and distinct court."

* Sessions Judge to Register of Nizamut Adawlut, No. 87, dated 14th July 1838.
Register of Nizamut Adawlut to Session Judge, No. 2541, dated 24th August 1839, with enclosure from Government.
Session Judge to Register of Nizamut Adawlut, No. 132, dated 21st September 1838, with enclosure.
Register of Nizamut Adawlut to Session Judge, No. 2909, dated 5th October 1838.
Session Judge to Register of Nizamut Adawlut, No. 144, dated the 26th October 1838, with enclosure.

47. Since the receipt of the Session Judge's report the Court have received another communication on the subject from the same gentleman,* under date the 12th June, submitting a correspondence with the Joint Magistrate, in which the latter strongly urges the impracticability of carrying on the duties of the offices under his control, without the aid of another officer. They observe, however, that at the end of May last, there were but 9 heinous cases pending; 224 petty cases; 7 appeals and 90 applications and petitions of all other descriptions: and as the Joint Magistrate has at his disposal the services of two Principal Sudder Ameens, a Sudder Ameen, and a Law Officer, they consider that if he gives a fair proportion of his

* See appendix to this resolution.

time to his magisterial, instead of devoting almost the whole of it to fiscal duties, he can scarcely require further assistance.

48. The Session Judge bears the following favorable testimony to the official conduct of Mr. H. C. Halkett, the Joint Magistrate, during the period under review. The deficiency of establishment, the Court observe, should be brought to the notice of the Superintendent of Police. "The general attention evinced by Mr. Halkett in the discharge of his duties, and the care bestowed by him in the preparation of the monthly criminal statements, may be considered creditable to that officer. Whatever irregularities I had occasion to point out to him, were immediately rectified, and I have seldom had occasion to repeat an order once issued. This attention on the part of the Joint Magistrate is the more praiseworthy, when it is considered that his establishment of native Omlah is extremely deficient in number."

49. The duties of the Sessions Court have been conducted in a very satisfactory manner by Mr. Gouldsbury.

Zillah Hooghly.

MAGISTRATE'S COURT.

50. Mr. E. A. Samuells was Magistrate of Hooghly from the commencement of the year to the 25th of December, on which date he made over charge of the Magistracy to Mr. J. J. Ward, who held charge until the end of the year.

51. At the close of the year 1837 there were 69 persons under examination, viz 26 in jail and 43 on bail or personal recognizance, and 2815 persons were apprehended or summoned during the year 1838, making a total of 2884 persons under trial. These persons were disposed of in the manner noted in the margin.* The number of persons apprehended during the past year was greater than in the year preceding that, but the cases disposed of were less in amount, and the proportion of acquittals to convictions is greater. These circumstances are explained by the fact that 315 persons, the followers of the *soi-disant* Rajah Pertaub Chund, were transferred from East Burdwan to this jurisdiction for trial; and that 157 of them were discharged because the imprisonment they had undergone before trial was considered by the Magistrate to be a sufficient punishment for the offence of which they were guilty. Even if these 157 men be taken from the head of "acquitted" and placed under that of "convicted," the proportion between the acquittals and convictions will not appear very favorable: 79 persons entered as acquitted were discharged with a reprimand for neglect of duty, 418 persons, including chowkeedars and other police officers, were summoned to answer for neglect of duty, and 143 persons charged with bailable offences are in jail from inability to furnish security. Of this number 134 are the followers of the *soi-disant* Rajah, whose cases have been long pending, solely, as it is alleged, in consequence of the numerous delays interposed by themselves. This reason is not satisfactory, as it was the Magistrate's duty not to let any case hang on under frivolous pretences, by whomsoever urged.

* Acquitted, ...		1275
Convicted, ...		1261
Committed, ...		99
Died, ...		18
Escaped, ...		1
Transferred to other jurisdictions, ...		9
Under trial, viz		
In jail, ...	165	221
On bail, ...	56	
		2884

* Heinous Crimes,...		500
Apprehended, ...		485
Acquitted,.....	218	
Convicted, ...	178	
Petty offences, ...		968
Apprehended, ...		2330
Acquitted, ...	1057	
Convicted, ...	1083	

52. The marginal statement shews the number of persons apprehended, convicted, and acquitted in "heinous crimes" as well as in "petty offences:" 278 persons were punished for neglect of duty. The results are satisfactory with regard to heinous crimes, but less so, even taking into consideration the circumstance abovementioned, as regards petty offences. It appears to the Court that many of the crimes included in the detail of Miscellaneous Offences, might have been classed under some of the 33 headings of the statement No. 1; and that several of the crimes which have been separately entered in the detail, might have been brought together under a few appropriate heads.

* Discharged by Razeenameh, ...	77
Ditto by non-attendance of Prosecutors,	22
	99

53. The number of persons acquitted and discharged in consequence of Razeenamehs being filed, and owing to the non-attendance of prosecutors, is noted in the margin.*

54. The Court observe that 139 cases of burglary and 41 attempts at burglary were reported within the year; but that only 49 men were put on trial for those offences, and 25 convicted or committed to the sessions.

* In jail, ...	165
On bail, ...	56
	221

55. The number of prisoners in jail or on bail on the 31st of December last, is noted in the margin.* The cause of so large a number of persons being in jail, has already been noticed.

56. There was no suit under Regulation XV. 1824, pending in this district at the close of the year.

57. Eighty-four persons were confined in default of security for good conduct at the same period. The number is very large. The cases of 17 were revised by the Session Judge during the year.

* *Criminal Trials.*		
Pending of 1837, ...		32
Preferred in 1838,.....		142
		174
Confirmed,.....	86	
Reversed, ...	45	
Pending, ...	43	
		174
Miscellaneous Cases.		
Preferred in 1838,.....		49
Confirmed,.....	22	
Reversed, ...	22	
Pending,.....	5	
		49

58. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate in Criminal Trials, and also in miscellaneous cases, and the result thereof, are noted in the margin.* The number of appeals reversed or modified is large. The delay in disposing of the appeals pending at the close of the year, is ascribed to the Session Judge's time being occupied with sessions duty. Only 2 appeals were called for on revision of the monthly statements.

* Heinous offences,...	47
Petty ditto, ...	196
Appeals,.....	4
Proceedings from other zillahs, ...	49
Miscellaneous cases,...	113
	369

59. The criminal business actually pending in this district on the 31st December last is noted in the margin.* The number of heinous cases is considerable.

SESSIONS COURT.

60. Mr. W. A. Pringle officiated as Session Judge of Hooghly from 1st January to 24th February, on which date Mr. J. Curtis, the Session Judge, took charge and continued to the end of the year. Mr. Curtis was employed a hundred days in the Sessions Court.

61. At the close of the year 1837, there were 20 prisoners under trial, and 99 were committed in 1838, making a total of 119. They were disposed of as indicated in the margin.* The results are creditable to the Magistrate's judgment. The Court were not called upon to notice during the year any case in which the commitment had been injudiciously made.

* Acquitted,	27
Convicted,	42
Referred to Nizamut Adawlut,	27
Under trial,	23
	119

62. Four trials were called for on revision of the monthly statements at the English sittings or by precept on appeal, and disposed of during the year. The sentences passed by the Session Judge were not interfered with in any one case.

63. Twelve prisoners were under reference to the Nizamut Adawlut at the close of 1837, and the number referred in 1838 was 27, making a total of 39. They were disposed of as noted in the margin.*

* Acquitted,	10
Convicted,	29
	39

64. The following is an abstract of the sentences passed on the prisoners convicted in this district during the year 1838:

By the Nizamut Adawlut.

Death,	3
Imprisonment for life,	3
Ditto 14 years,	8
Ditto 7 ditto,	7
Ditto 5 ditto,	1
Ditto 3 ditto,	7
	29

By the Session Judge.

Imprisonment for 14 years and upwards,	3
" 7 years and ditto,	21
" 3 years and ditto,	14
" 1 year and ditto,	4
	42

By the Magistrate and his Assistants.

Six months and not exceeding 3 years,	117
Less than six months,	302
Fined,	699
Dismissed from office,	76
Required to furnish security,	67
	1261

GENERAL REMARKS.

65. The statements were submitted with a letter from the Session Judge, Mr. Curtis. They exhibit a great increase of crime of a heinous nature as compared

1837	1838
279	500

with the preceding year,* chiefly in offences classed under the head of burglary and theft. It would have been satisfactory to the Court to have received from the local authorities an explanation of the probable causes of this increase, whether it arose from an actual increase in the state of crime, or a greater activity and vigilance on the part of the police in the discovery of offences.

66. Mr. Curtis has recorded the following observations regarding the Magistrate and his Assistants. The Court fully concur in the Judge's remarks respecting Mr. Samuells. "The quantity of business disposed of by the Magistrate and those subordinate to him, will I trust be considered very creditable to all. I have not had any opportunity of taking up appeals from the orders passed by the Covenanted Assistants, Messrs. Thornhill and Trevor: the former gentleman was only at Hooghly a few months, and the latter was appointed an Assistant in November last. With regard to the Magistrate, I have to record my opinion that Mr. E. A. Samuells has evinced much ability and zeal in looking after the police of the district under his charge; still I apprehend it will be some time before any reformation can be brought about, so as to cause delinquents to have a wholesome dread of the efficiency of the police powers in the detection of crime."

67. The sessions for the district of Hooghly were very heavy during part of the year, in consequence of the transfer of the investigation into the case of the *soi-disant* Rajah of Burdwan from Burdwan to that district. Mr. Curtis has been called upon to explain certain points connected with the trial of that individual. With regard to his proceedings in the other business of the sessions, the Court have every reason to be satisfied.

Zillah Jessore.

68. The following officers were in charge of the Magistracy of Jessore during the past year:

Mr. F. Cardew from the 1st January to the 31st October.

Mr. C. B. Trevor from the 1st November to the 19th December.

Mr. J. B. Ogilvy from the 20th to the 31st December.

69. At the close of the year 1837 there were 35 persons under examination, viz. 11 in jail and 24 on bail or personal recognizance, and 1430 persons were apprehended or summoned during the year 1838, making a total of 1465. These persons were disposed of in the manner noted in the margin.*

* Acquitted, ...		493
Convicted, ...		801
Committed, ...		133
Died, ...		3
Escaped, ...		1
Under trial:		
In jail, ...	22	34
On bail, ...	12	
		1465

70. The statement entered in the margin* shows the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences:" 80 persons were punished for neglect of duty. Taking into calculation the large number of commitments, the results are considered satisfactory.

* Heinous crimes,...		217
Apprehended, ...		388
Convicted, ...	103	
Acquitted, ...	131	
Petty offences, ...		1009
Apprehended, ...		1042
Convicted, ...	698	
Acquitted, ...	362	

71. Seventy-four persons were discharged in consequence of Razeenamehs having been filed and 70 of non-attendance of prosecutors.

72. The number of persons in jail and on bail on the 31st December last is noted in the margin.*

* In jail, ...	22
On bail, ...	12
	34

73. Eighteen suits instituted under Regulation XV. of 1824, were pending at the close of the year.

74. Fifty-six persons were confined in default of security for good conduct at the same period.

75. The number of appeals preferred from the decisions of the Magistrate in criminal trials and in miscellaneous cases, and the results thereof, are noted in the margin.* They are considered satisfactory.

* *Criminal trials.*		
Pending of 1837, ...		21
Preferred in 1838, ...		84
		105
Confirmed, ...	85	
Reversed, ...	18	
Pending, ...	2	
		105
Miscellaneous cases.		
Preferred, ...		37
Confirmed, ...	25	
Reversed, ...	10	
Pending, ...	2	
		37

76. The criminal business actually pending in this district on the 31st of December last, is noted in the margin,* and calls for no particular remark.

* Heinous offences, ...	19
Petty ditto, ...	211
Appeals, ...	1
Proceedings from other districts, ...	64
Miscellaneous cases, ...	178

77. Baboo Hurrynarain Ghose was in charge of the Session Judge's office from the 1st to the 30th of January, when Mr. B. Golding received charge and was relieved on the 10th of October by Mr. G. Deedes, who officiated to the end of the year. The number of days that was devoted by them to criminal business was 96.

SESSIONS COURT.

78. At the close of the year 1837 there were 20 persons under trial, and 133 persons were committed during the year, making a total of 153. These persons were disposed of in the manner noted in the margin.* The proportion of convictions to acquittals is very satisfactory, and creditable to the judgment of the committing officers, Mr. Cardew, and Mr. Trevor, the Joint Magistrate, by the latter of whom the majority of the commitments were made.

* Acquitted, ...	8
Convicted, ...	108
Referred to the Nizamut Adawlut, ...	10
Under trial, ...	27
	153

79. Four trials called for at the English sittings, or by precept on appeal, were disposed of during the year. In three cases the sentence passed by the Session Judge was not interfered with. In the fourth case the sentence of the Session Judge on 8 prisoners was mitigated, 1 enhanced, and 3 confirmed. The sentence passed by the Session Judge upon one prisoner was reduced by the Court at their English sittings from 10 to 6 years.

80. Ten prisoners were referred to the Nizamut Adawlut during the year, 1 prisoner was acquitted, and the other 9 were convicted by the Court.

81. The following is an abstract of the sentences passed on the prisoners convicted in this district during the year 1838:

By the Nizamut Adawlut.

Death,	2
Imprisonment for life,	1
„ 10 years,	2
„ 7 ditto,	2
„ 5 ditto,	2
	9

By the Session Judge.

Imprisonment for 14 years and upwards,	12
„ 7 years and ditto,	48
„ 3 years and ditto,	47
Less than one year,	1
	108

By the Magistrate and his Assistants.

Six months and not exceeding 3 years,	111
Less than 6 months,	222
Dismissed from service,	29
Fined,	384
Flogged (convicts,)	11
Required to furnish security,	44
	801

GENERAL REMARKS.

Year.	Crimes committed.	Persons apprehended.	Persons acquitted and discharged.	Persons convicted and punished.	Committed to the Sessions.
1837...	983	1851	634	1162	92
1838,...	1226	1430	493	801	133

82. The statements for this district were submitted by the Officiating Judge, Mr. Deedes, with his letter of the 2d February last. They exhibit an increase of crime and a positive decrease in the number of persons apprehended, as shewn by the marginal comparative statement. On this subject the Magistrate remarks: "The statement annexed shews the number of crimes ascertained to have been committed within the year 1838 as compared with that of the preceding year, together with the number of persons apprehended, convicted, and acquitted, and under investigation at the close of the year. I regret to observe that this statement exhibits an increase of crime, 243 cases, and a decrease of apprehensions of 421 persons as compared with the year 1837; but on the other hand the

number of persons convicted and punished in proportion to the number apprehended is satisfactory; the proportion of acquittals and convictions is nearly the same in both years." The Session Judge has not been in the district a sufficient length of time to enable him to speak on the point above adverted to.

83. The Court are satisfied with the manner in which the duties have been conducted in the courts of the Session Judge and Magistrate by the officers who severally discharged them. The manner especially in which the trials were conducted and the session statements prepared by Mr. Golding, are very creditable to that gentleman.

84. The subject of the 5th paragraph of the Magistrate's letter of the 30th January last, to the address of the Session Judge, should be brought to the notice of the Superintendant of Police.

Zillah Midnapore.

85. Mr. M. S. Gilmore was Magistrate of Midnapore during the past year.

MAGISTRATE'S COURT.

86. At the close of the year 1837 there were 46 persons under trial, viz. 21 in jail and 25 on bail or personal recognizance, and 2315 persons were apprehended or summoned, during the year 1838, making a total of 2361. These persons were disposed of as noted in the margin.*

* Acquitted, ...		770
Convicted, ...		1344
Committed, ...		139
Died, ...		5
Escaped, ...		2
Transferred to other jurisdictions, ...		2
Under trial:		
In jail, ...	15	99
On bail, ...	84	
		2361

87. The statement entered in the margin* shews the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." The results appear satisfactory: 267 persons were punished for neglect of duty, 64 persons were discharged by compromise, and none in consequence of non-attendance of prosecutors.

* Heinous Crimes,...		407
Apprehended, ...		496
Acquitted, ...	184	
Convicted, ...	204	
Petty offences, ...		1601
Apprehended, ...		1819
Acquitted, ...	586	
Convicted, ...	1140	

88. There were 4 dacoities attended with wounding and 9 without aggravating circumstances. These cases appear to have been properly investigated. There were 98 cases of burglary not of a serious character, for which 93 persons were apprehended, and 77 convicted by the Magistrate. These facts are creditable to the police of the district.

89. The number of persons in jail or on bail on the 31st December last is noted in the margin.*

* In jail,.....	15
On bail, ...	84
	99

90. No cases instituted under Regulation XV. of 1824, were pending at the close of the year.

91. Twenty-four prisoners were confined in default of security for good conduct, at the close of the year.

92. The number of appeals preferred from the decisions of the Magistrate in criminal trials and in miscellaneous cases, and the manner in which they were disposed of, are noted in the margin.* The number of appeals pending is considerable; but the results with regard to those disposed of, are satisfactory. None of the cases were called for by the Session Judge on revision of the monthly statements.

* *Regular trials.*		
Pending of 1837, ...	12	
Preferred in 1838,.....	65	
		77
Confirmed, ...	40	
Reversed,.....	12	
Pending, ...	25	
		77
Miscellaneous cases.		
Pending of 1837, ...	20	
Preferred in 1838,.....	31	
		51
Confirmed, ...	34	
Reversed,...	7	
Pending, ...	10	
		51

93. The criminal business actually pending in this district on the 31st December last, is noted in the margin.* The amount of business is considerable, but it appears to be properly distributed among the several officers who have criminal jurisdiction.

* Heinous offences,.....	28
Petty ditto, ...	188
Appeals, ...	8
Miscellaneous cases, ...	46
	270

SESSIONS COURT.

94. Mr. A. Dick was Session Judge of Midnapore from the commencement of the year to the 13th of December, during which period he was absent on leave for one month, when Mr. Trotter conducted the current duties: on the abovementioned date, Mr. Dick made over charge of the current duties to Mr. R. P. Harrison. Mr. Dick devoted 101 days to sessions duties.

95. At the close of the year 1837 there were 28 persons under trial, and 139 were committed during the year 1838, making a total of 167. These persons were disposed of as noted in the margin.*

* Acquitted, ...	18
Convicted, ...	*137
Referred to Nizamut Adawlut,...	8
Under trial, ...	4
	167

* The actual number convicted is 134, one person having been concerned in four different cases of embezzlement. The instructions of the Court on the point have not been attended to.

96. Four cases were called for by the Court at their English sittings or by precept on appeal. In two cases the sentence passed by the Session Judge was not interfered with. In one case the sentence was considered too severe and mitigated accordingly. The fourth case was returned to the Session Judge on the 16th July 1838 to be tried *de novo.*

97. Six persons were under reference to the Nizamut Adawlut at the close of the year 1837, and the number referred in 1838 was 8, making a total of 14: they were disposed of as noted in the margin.*

* Acquitted, ...	10
Convicted, ...	4
	14

98. The following is an abstract of the sentences passed upon the prisoners convicted in the district during the year 1838:

By the Nizamut Adawlut.

Death, ...	1
Imprisonment for life, ...	1
" 14 years,.....	1
" 5 ditto, ...	1
	4

By the Session Judge.

Imprisonment for 7 years and upwards,	68
" 3 years and upwards,	63
" 1 year and upwards,	2
Less than one year,	1
	134

By the Magistrate and his Assistants.

Imprisonment for six months and not exceeding 3 years,	167
Less than 6 months,	371
Fined,	762
Punished with stripes,	3
Required to furnish security,	41
	1,344

GENERAL REMARKS.

99. The statements were submitted by the Honorable J. C. Erskine, without any remarks on the administration of criminal justice during the year 1838.

100. The Court consider that the district has been carefully looked after by Mr. Gilmore. The amount of crime appears to have diminished, and the perpetrators of the more serious offences have not been suffered to escape with impunity. At the same time there is no evidence that persons have been unnecessarily apprehended.

Zillah Nuddea.

101. Mr. C. Steer was Magistrate of this district during the year, but was absent on leave from the 22d December, when Mr. T. C. Loch relieved him.

MAGISTRATE'S COURT.

102. At the close of the year 1837, 35 persons were under trial, viz. 20 in jail and 15 on bail or personal recognizance, and 1677 persons were apprehended or summoned during the year 1838, making a total of 1712. These persons were disposed of in the manner noted in the margin.*

* Acquitted,		507
Convicted,		963
Committed,		124
Transferred to other jurisdictions,		14
Under trial:		
In jail,	43	
On bail,	61	
		104
Total,		1712

103. The marginal statement shews the number of persons apprehended, convicted, and acquitted in "heinous crimes," as well as in "petty offences." The proportion of convictions to acquittals is not quite satisfactory as regards heinous crimes, with reference particularly to the considerable number of prisoners committed who were acquitted by the Session Judge, and whose commitment was pronounced to be injudicious. The proceedings of the Magistrate are more satisfactory regarding the number of persons apprehended, convicted, and discharged in petty offences. The Court observe that there were only 29 convictions for neglect of

* Heinous crimes,		309
Apprehended,		477
Acquitted,	178	
Convicted,	149	
Petty offences,		305
Apprehended,		1200
Acquitted,	329	
Convicted,	814	

duty; and that 21 persons were discharged in consequence of Razeenamahs having been filed, and one from the non-attendance of the prosecutor.

* In jail,	43
On bail,	61
	104

104. The number of persons under trial on the 31st December last, is noted in the margin.* The Session Judge observes that this number is "an excess of 69 over last year," and he adds: "the Magistrate has been requested to dispose of their cases without delay." Four persons charged with bailable offences are stated to be in jail through inability to give bail; but the Court observe that 10 persons charged with theft have been released on bail.

105. One suit instituted under Regulation XV. of 1824, was pending in this district at the end of the year.

106. Forty-two persons were in confinement at the same period, in default of security for good conduct. The Session Judge appears to have revised the cases of 43 prisoners within the year, and to have confirmed the Magistrate's orders in regard to 31 of them.

* *Criminal trials.*		
Pending of 1837,	14	
Preferred in 1838,	142	
		156
Confirmed,	104	
Modified or reversed,	49	
Pending,	3	
		156
Miscellaneous cases.		
Preferred,		73
Confirmed,	47	
Modified or reversed,	20	
Pending,	6	
		73

107. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate in criminal trials and miscellaneous cases, and the mode in which they were disposed of, are noted in the margin.* The number of appeals is considerable with reference to the number exhibited in the statements for 1837; and as none of these were called for by the Session Judge, when revising the monthly statements, the results must be considered unsatisfactory

* Heinous offences,	11
Petty ditto,	205
Appeals,	8
	224

108. The criminal business actually pending in this district on the 31st December last is noted in the margin.* The Session Judge remarks that the number of petty cases greatly exceeds that pending at the close of the preceding year, and that the Magistrate's attention has been called to the circumstance. The Court observe that the assistance afforded by the native judges and the law officers is very inconsiderable, and that the Magistrate ought more largely to avail himself of their services and particularly those of the latter.

SESSIONS COURT.

109. Mr. R. P. Nisbet was the Session Judge of this district during the past year.

* The Magistrate has not included in his statement a prisoner whose commitment was annulled.

† Acquitted,	47
Convicted,	87
Referred to Nizamut Adawlut,	2
Commitment annulled,	1
Under trial,	19
	156

110. At the close of the year 1837, there were 31 persons under trial, and 125* were committed during the year 1838, making an aggregate of 156. They were disposed of as noted in the margin.† The Session Judge remarks with reference to the commitments of Mr. Stoer: "of some of these I had cause to disapprove, as the Court are aware; but the Magistrate has now evidently improved in this part of his duty by greater experience."

111. Five cases, including 11 prisoners, were called for by the Nizamut Adawlut at their English sittings or by precept on appeal. They were disposed of as follows:

Sentence confirmed,	3
Ditto annulled,	5
Ditto mitigated,	3
Total,	11

112. One prisoner was under reference to the Nizamut Adawlut at the close of the year 1837, and 2 were referred in 1838, making a total of 3, all of whom were convicted.

113. The following is an abstract of the sentences passed on the prisoners convicted in this district during the year 1838:

By the Nizamut Adawlut.

Imprisonment for life,	3

By the Session Judge.

Imprisonment for 14 years and upwards,	25
" 7 years and upwards,	24
" 3 years and upwards,	19
" 1 year and upwards,	13
" less than one year,	6
	87

By the Magistrate and his Assistants.

Imprisonment for six months and not exceeding 3 years,	154
Less than 6 months,	333
Fined,	414
Required to furnish security,	62
	963

114. The Court observe that 7 prisoners were sentenced to whipping by the Magistrate and his Assistants, though it is not mentioned in the general statement: this punishment was adjudged, it is to be presumed, to convicts for a breach of jail discipline.

GENERAL REMARKS.

115. The statements were submitted by Mr. R. P. Nisbet, with a report in which the proceedings of the Magistrate are noticed in the following terms:

"The present statements, as compared with those of 1837, shew a great decrease of persons brought to trial; in explanation of which the Magistrate states: 'I have to remark that in the present year only 31 persons were summoned to answer for neglect of duty, whereas in the year 1837, no less than 431 persons were brought to trial on this account. I found on my arrival in the zillah that it

had been the invariable rule, whether neglect was to be inferred or not from the Darogah's report, to summon the Chowkeedar on the occurrence of a burglary or theft in his village. This practice I at once put a stop to; and hence the great difference in the number of persons brought to trial on this charge in the years 1837 and 1838 respectively.'

"The number of Dacoities in the past year being in excess of 1837, it was reasonable to expect a greater number of apprehensions—the statements however shew the reverse. The Magistrate accounts for it by stating, that many of the Dacoities occurring during the past year were by no means of an atrocious character, nor do they appear to have been conducted by large parties of Dacoits.

"Mr. Steer has not been fortunate in his attempts to suppress this crime, but hopes that arrangements he contemplates making during his present tour of the district will tend to do so. I am happy to be able to report that he appears very anxious to do all in his power to improve the state of the police, and is not only attentive to his duty, but to the orders of this court; and that for the last six months business has in consequence been transacted with much more satisfaction and advantage than during the preceding half year."

116. The Court remarked in their report for 1837 that the number of police officers punished for neglect of duty, was great; but it was at the same time observed that the Session Judge did not attribute this to the deterioration of the police, but to Mr. Martin's strict superintendence. If this observation was correct, the practice which Mr. Steer states he has adopted cannot be commended; particularly as it appears that though fewer persons were summoned or apprehended under his orders than had been done under those of his predecessor, a somewhat larger proportion of that number appears, on the whole, to have been unnecessarily brought before the criminal tribunals.

117. The number of heinous crimes was greater in 1838 than in the year preceding; but the number of persons apprehended was less. This circumstance Mr. Steer endeavours to account for by representing that the Dacoities which occurred were by no means of an atrocious character, and were not carried on by large bodies. The Court do not consider this explanation satisfactory. There is no reason to believe that the Dacoities and other heinous crimes which occurred in 1837 were marked by any circumstance of peculiar atrocity or daring; and they can attribute the comparative fewness of such crimes only to a salutary dread of the vigour and activity of the Magistrate;—a conclusion which appears to receive confirmation from the greater number of persons who were in that year apprehended and brought to justice.

118. The Court concur with the Session Judge in hoping that the greater experience acquired by Mr. Steer, combined with the anxiety he manifests to discharge his duties in a satisfactory manner, will be productive of the salutary effects which may be anticipated.

119. The Court consider Mr. Nisbet to have been very attentive to the duties of the Sessions Court, as well as careful in superintending the proceedings of the subordinate authorities.

Zillah Twenty-four Pergunnahs.

MAGISTRATE'S COURT

120. Mr. J. H. Patton was the Magistrate of Zillah 24-Pergunnahs during the past year.

121. At the close of the year 1837, there were 23 persons under examination, viz. 9 in jail, and 14 on bail or personal recognizance, and 2315 persons were apprehended or summoned during the year 1838, making a total of 2338. These persons were disposed of in the manner noted in the margin.*

* Acquitted,		508
Convicted,		1732
Committed,		43
Died,		3
Transferred to other jurisdictions,		3
Under trial:		
In jail,	5	49
On bail,	44	
		2338

122. The marginal statement* shows the number of persons apprehended, convicted, and acquitted in "heinous crimes" as well as in "petty offences:" 433 persons were punished for neglect of duty. The results are very satisfactory. The following are the observations of the Session Judge on this point. "The number of persons punished, compared with those acquitted, shew that individuals are not apprehended without good and sufficient cause, whilst the greater vigilance of the Magistrate is clearly evinced in the increased number of cases which have been brought before him, and the greater number of persons apprehended and tried. This increase, as contrasted with the statement of 1837, is noted in the margin."

* Heinous crimes,		258
Apprehended,		319
Acquitted,	134	
Convicted,	157	
Petty offences,		741
Apprehended,		1996
Acquitted,	374	
Convicted,	1575	

	Punished	Acquitted.	Total.
1837	1433	373	1806
1838.	1732	508	2240

123. Twenty-six persons were released in consequence of Razeenamehs having been filed and 9 of non-attendance of prosecutors.

124. The number of persons in jail or on bail on the 31st December last is noted in the margin.*

* In jail,		5
On bail,		44
		49

125. One suit instituted under Regulation XV. of 1824, was pending at the close of the year.

126. Twenty-seven persons were confined in default of security for good conduct at the same period.

127. The number of appeals preferred from the decisions of the Magistrate in criminal trials and in cases of a miscellaneous nature, and the result thereof, are noted in the margin.* No particular remark appears to the Court to be called for.

* *Criminal trials.*		
Pending of 1837,		12
Preferred,		77
		89
Confirmed,	45	
Reversed,	23	
Pending,	21	
		89
Miscellaneous cases.		
Preferred,		12
Confirmed,	4	
Reversed,	3	
Pending,	5	
		12

128. The criminal business actually pending in this district on the 31st December last is noted in the margin.* The return is very satisfactory, and evinces the exercise of a prompt attention on the part of Mr. Patton to the cases brought before him.

* Heinous offences,	1
Petty ditto,	14
Miscellaneous cases,	5

BARASET.

JOINT MAGISTRATE'S COURT.

129. Mr. E. Deedes held the office of Joint Magistrate from the commencement of the year to the 29th September, when he was relieved by Mr. Shawe, who officiated until the 6th of November, on which date Mr. T. Sandys received charge of the district, and continued in it to the end of the year.

* Acquitted, ...	435
Convicted, ...	534
Committed, ...	42
Died, ...	1
Escaped,....	2
Under trial on bail,	35
	1049

130. At the close of the year 1837 there were 106 persons under examination, viz. 47 in jail and 59 on bail or personal recognizance, and 943 persons were apprehended or summoned during the year 1838, making a total of 1049. These persons were disposed of in the manner noted in the margin.*

* Heinous crimes, ...		170
Apprehended, ...		214
Acquitted, ...	158	
Convicted, ...	70	
Petty offences,.....		886
Apprehended, ...		729
Acquitted, ...	277	
Convicted, ...	464	

131. The statement in the margin* shows the number of persons apprehended, convicted, and acquitted in "heinous crimes" as well as in "petty offences:" 70 persons were punished for neglect of duty, and 9 persons were discharged in consequence of Razeenamehs having been filed. The result in regard to heinous offences, even taking into account the number of commitments, is not very satisfactory.

132. There were 35 persons under trial on bail at the close of the year, and none in jail.

133. Four cases instituted under the provisions of Regulation XV. of 1824, were pending at the close of the year.

134. Twenty-six persons were in confinement on default of security for good behaviour at the same period.

* *Criminal trials.*		
Pending of 1837,.....		5
Preferred in 1838, ...		40
		45
Confirmed, ...	19	
Reversed.....	18	
Pending, ...	8	
		45
Miscellaneous cases.		
Pending of 1837.....		1
Preferred in 1838, ...		32
		33
Confirmed, ...	10	
Reversed,.....	14	
Pending, ...	9	
		33

135. The number of appeals preferred from the decisions of the Joint Magistrate in criminal trials and in miscellaneous cases, and the results thereof, are noted in the margin.* The number of decisions modified or reversed under both heads is large.

* Heinous offences, ...	2
Petty ditto, ...	60
Miscellaneous cases, ...	35

136. The criminal business actually pending in this Joint Magistracy on the 31st December last, is noted in the margin.*

SESSIONS COURT.

137. Mr. Cracroft was Session Judge from the commencement of the year to the 9th March; Mr. Torrens from the 9th to the 24th March; and Mr. Cracroft again from that date to the 10th July, when he made over charge to Mr. T. P. Biscoe, who officiated to the end of the year.

138. At the close of the year 1837, there were 2 persons under trial, and 85 persons were committed during the year by the magisterial authorities of the 24-Pergunnahs and Baraset, making a total of 87: they were disposed of as noted in the margin.* It will be observed that the statement gives the combined result of the Sessions both for the Magistracy of the 24-Pergunnahs and the Joint Magistracy of Baraset. The following extract from the Session Judge's letter specifies the operations in regard to each.

* Acquitted, ...	27
Convicted, ...	48
Referred to Nizamut Adawlut, ...	8
Commitments annulled,.....	4
	87

"In Statement No. 12 it will be seen that in the 24-Pergunnahs, 2 persons remained over for trial at the end of 1837, and 43 were committed during the year under review, making a total of 45. Of these 5 only were acquitted, 36 were convicted and sentenced by the Session Judge, and 4 referred to the Nizamut Adawlut, where they were convicted and sentenced. As regards these commitments nothing can speak more favorably of the judgment shown by the Magistrate than the statement above exhibited.

"In the division of Baraset, 38 persons were committed for trial before the Sessions Court, of whom 22 were acquitted and discharged, 12 convicted and sentenced, and 4 referred to the Nizamut Adawlut, where 3 were acquitted and discharged, and 1 convicted and sentenced. The commitment of 4 persons was annulled and they were re-committed for trial. The total number of persons brought to trial before the Sessions Court had been 83 persons, of whom 27 were acquitted and discharged, 48 convicted and sentenced, and 8 referred to the Nizamut Adawlut.

"The number of persons committed in 1837 amounted to 135, which shows a decrease in comparison with those committed for trial in the present year, of 50 persons. The number 87 inserted in the Magistrate's statement is to be accounted for by the commitment of 4 persons having been annulled, who were subsequently re-committed for trial.

"Of Mr. Deedes's commitments, I cannot speak so favorably; of three cases which came before me, I was compelled to state my opinion in the monthly statement submitted to the Court, that two of them had been improperly made."

139. Twelve cases called for at the English sittings or by precept on appeal, were disposed of during the year. In two instances the sentence passed by the Session Judge was annulled and in two others mitigated. In two cases, consisting of 10 prisoners, the Session Judge's sentence on 6 prisoners was mitigated and confirmed in the case of 4. In another case the sentence of 7 years' imprisonment passed by the Session Judge was enhanced to 14 years, and the remaining 5 cases were disposed of without any interference on the part of the Nizamut Adawlut. The sentence of 7 years' imprisonment with Tusheer passed on three prisoners in a case of perjury, was mitigated by the Court at their English sittings, remitting Tusheer and reducing the term of imprisonment to 4 years. The sentences interfered with were, with one exception, passed by Mr. Cracroft.

140. One prisoner was under reference from this district to the Court of Nizamut Adawlut at the close of the year 1837, and 8 were referred in 1838: they were disposed of as noted in the margin.*

* Acquitted, ...	3
Convicted, ...	5
Pending,.....	1
	9

141. The following is an abstract of the sentences passed on the prisoners convicted in this district during the year 1838:

By the Nizamut Adawlut.

Death,	3
Imprisonment for life,	1
„ 1 year,	1
	5

By the Session Judge.

Imprisonment for 14 years and upwards,	2
„ 7 years and upwards,	28
„ 3 years and upwards,	14
„ 1 year and upwards,	3
„ less than one year,	1
	48

By the Magistrate of 24-Pergunnahs and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	280
Less than 6 months,	544
Fined,	704
Dismissed from office,	173
Required to give security,	31
	1732

By the Joint Magistrate of Baraset.

Imprisonment for 6 months and not exceeding 3 years,	61
Less than 6 months,	238
Fined,	191
Dismissed from office,	11
Required to furnish security,	33
	534

GENERAL REMARKS.

142. The statements for the district of 24-Pergunnahs and the Joint Magistracy of Baraset, were submitted by the Session Judge, Mr. Biscoe, with his report of the 5th February last, the greater portion of which is taken up with a comparative statement of the extent of crime in the districts subordinate to the Sessions Court of the 24-Pergunnahs, in the years 1837 and 1838. On this subject, which is more immediately within the province of the Superintendent of Police, the Court do not consider it necessary to enter at large. For the same reason they abstain from noticing more particularly the case adverted to in the marginal extract from the Session Judge's letter.*

* "I am sorry to observe that the investigation of one of these cases occasioned excessive annoyance and vexation to a great number of innocent persons. The dacoity was alleged to be a serious one, property to the amount of about 30,000 rupees having been said to be carried off, whilst 100 persons were said to have been engaged in the perpetration of the crime. It appears that 69 persons were sent in to the Magistrate, charged with having perpetrated the dacoity; of these 59 were released by the Magistrate, and he committed the remaining 10 to take their trial before the Sessions Court The preliminary investigation in the case occupied the interval between the 23d of May and 31st October; before this Court however, the whole of those 10 persons were also acquitted and discharged. But I fear that these 69 persons were not the only sufferers on the occasion. If the Nazir (who conducted the investigation) actually sent in that number to the Magistrate, it is but fair to presume that a far greater number of persons were apprehended by him and released, without reference to the Magistrate. A special report of the case was however submitted to the Superintendent of Police, and the police officer who was to blame has doubtless met with merited punishment."

143. The Court are satisfied with the manner in which Mr. Deedes, the Joint Magistrate of Baraset, has generally conducted the duties of his office; and the administration of criminal justice in the 24-Pergunnahs, has fully maintained its character for efficiency in the hands of Mr Patton, an officer of tried zeal and intelligence.

144. The duties of the Sessions Court have been conducted by Mr. Biscoe, during the period he has presided in it, with efficiency and correctness, with the exception of a few inaccuracies in the preparation of his periodical sessions statements, the recurrence of which the Court are satisfied will be obviated in future.

Zillah Cuttack.

CENTRAL CUTTACK. MAGISTRATE'S COURT.

145. Mr. Mills was in charge of the Cuttack district from the commencement of the year to the 24th November, when Mr. A. Forbes joined his appointment, and continued in charge to the close of the year.

146. At the close of the year 1837 there were 11 persons under examination, viz. 7 in jail and 4 on bail or personal recognizance, and 1022 persons were apprehended or summoned during the year 1838, making a total of 1033. These persons were disposed of in the manner noted in the margin.*

* Acquitted, ...		429
Convicted, ...		561
Committed, ...		31
Under trial:		
In jail, ...	2	12
On bail, ...	10	
		1033

147. The statement in the margin* shows the number of persons apprehended, acquitted, and convicted in heinous crimes as well as in petty offences. The proportion of convictions to acquittals taken in general is satisfactory. The Court observe, that 67 persons were punished for neglect of duty; and that of those acquitted, 17 were reprimanded, 40 were discharged in consequence of razeenamehs having been filed, and 15 from non-attendance of prosecutors.

* Heinous Crimes,		1552
Apprehended, ...		411
Acquitted, ...	161	
Convicted, ...	228	
Petty offences, ...		924
Apprehended, ...		611
Acquitted, ...	268	
Convicted, ...	333	

148. The number of persons in jail or on bail on the 31st December last, is noted in the margin.* The statement is very satisfactory.

* In jail, ...	2
On bail, ...	10
	12

149. Two cases under Regulation XV. of 1824, were pending in this district at the close of the year.

150. Twenty-two persons were in confinement at the same period in default of security for good conduct.

151. The number of appeals preferred from the orders of the Magistrate and Joint Magistrate of this district, and the manner in which they were disposed of, are noted in the margin.* The results are not altogether satisfactory.

* *Regular trials.*		
Pending of 1837, ...		5
Preferred in 1838, ...		24
		29
Confirmed, ...	7	
Reversed, ...	21	
Pending, ...	1	
		29
Miscellaneous cases.		
Pending of 1837, ...		2
Preferred in 1838, ...		18
		20
Confirmed, ...	11	
Reversed, ...	5	
Pending, ...	4	
		20

* Heinous offences, ...	2
Petty ditto, ...	2
Appeals, ...	5
Proceedings from other districts, ...	3
Miscellaneous cases, ...	25

152. The criminal business actually pending in this district on the 31st December last, is noted in the margin.*

POOREE OR SOUTHERN CUTTACK.

MAGISTRATE'S COURT.

153. Mr. Colvin had charge of the district up to the end of August, when he was relieved by Mr. Forbes. Mr. Malet succeeded Mr. Forbes on the 23d November, and continued in charge to the close of the year.

* Acquitted, ...	198
Convicted, ...	298
Committed, ...	35
Under trial:	
In jail, ... 25	42
On bail, ... 17	
	573

154. At the close of the year 1837 there were 22 persons under trial, viz. 18 in jail and 4 on bail or personal recognizance, and 551 persons were apprehended or summoned during the year 1838, making a total of 573. These persons were disposed of as noted in the margin.*

* Heinous crimes, ...		518
Apprehended, ...		240
Acquitted, ...	112	
Convicted, ...	95	
Petty offences, ...		185
Apprehended, ...		311
Acquitted, ...	86	
Convicted, ...	203	

155. The statement in the margin* shows the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." The results are considered satisfactory.

* In jail, ...	25
On bail, ...	17
	42

156. The number of persons in jail and on bail under examination at the close of the year, is noted in the margin.*

157. Three cases under Regulation XV. of 1824, were pending in this district at the close of the year.

158. Two persons were in confinement at the same period in default of security for good conduct.

* *Regular trials.*		
Pending of 1837, ...		1
Preferred in 1838, ...		7
		8
Confirmed, ...	2	
Reversed, ...	5	
Pending, ...	1	
		8
Miscellaneous cases.		
Preferred, ...		9
Confirmed, ...	6	
Reversed, ...	2	
Pending, ...	1	
		9

159. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate in criminal trials, as well as in miscellaneous cases, and the mode in which they were disposed of, are noted in the margin.*

* Heinous offences, ...	2
Petty ditto, ...	12
Appeals, ...	3
Proceedings from other districts, ...	3

160. The criminal business actually pending in this district on the 31st December last, is noted in the margin.*

BALASORE OR NORTHERN CUTTACK.

MAGISTRATE'S COURT.

161. Mr. Repton had charge of the Magistracy during the past year.

* Acquitted, ...	167
Convicted, ...	152
Committed, ...	20
Under trial:	
In jail, ... 9	18
On bail, ... 9	
	357

162. At the close of the year 1837, there were 25 persons under examination, viz. 13 in jail and 12 on bail or personal recognizance, and 332 were apprehended or summoned during the year 1838, making a total of 357. These persons were disposed of as noted in the margin.*

163. The marginal statement* shows the number of persons apprehended, acquitted and convicted in "heinous crimes" as well as in "petty offences." The results are unsatisfactory.

* Heinous crimes, ...		307
Apprehended, ...		138
Acquitted, ...	74	
Convicted, ...	53	
Petty offences,..... ...		147
Apprehended, ...		194
Acquitted, ...	93	
Convicted, ...	99	

164. The number of persons in jail and on bail on the 31st December last, is noted in the margin.*

* In jail,.....	9
On bail, ...	9
	18

165. No case was pending in this jurisdiction under Regulation XV. 1824.

166. One person was in confinement at the end of the year in default of security for good conduct.

167. The number of appeals preferred from the decisions of the Magistrate in criminal trials as well as in miscellaneous cases, and the mode of their disposal, are noted in the margin.* The results are not quite satisfactory. There is a discrepancy in regard to one appeal between the Commissioner's annual and his monthly statements.

* *Criminal trials.*		
Appeals preferred, ...		34
Confirmed, ...	15	
Reversed, ...	17	
Pending,.....	2	
		34
Miscellaneous cases.		
Pending of 1837.....		1
Preferred in 1838, ...		20
		21
Confirmed,.....	8	
Reversed, ...	13	
		21

168. The criminal business actually pending in this district on the 31st December last, is noted in the margin.*

* Heinous offences,.....	3
Petty ditto, ...	7
Miscellaneous cases, ...	28

169. Mr. H. V. Hathorn officiated as Session Judge for the divisions of Cuttack and Pooree from the commencement of the year to the 24th December, when he made over charge of the current duties to Mr. W. Edwards.

SESSIONS COURTS.

170. At the close of the year 1837, there were no persons under trial before the Sessions Court, 66 commitments were made in 1838, and they were disposed of as noted in the margin.*

* Acquitted,.....	11
Convicted, ...	40
Referred to Nizamut Adawlut, ...	15
	66

171. Four cases called for at the English sittings of the Court or by precept on appeal, were disposed of during the year. In three instances the Officiating Session Judge's sentences were enhanced, and in one confirmed.

172. Twenty persons were tried by the Commissioner of Cuttack for Zillah Balasore, during the year, and were disposed of in the manner noted in the margin.*

* Acquitted, ...	10
Convicted, ...	6
Referred to Nizamut Adawlut, ...	4
	20

173. The Commissioner held a special sessions for the trial of two prisoners who were committed by the Officiating Judge of Cuttack. Their cases were referred to the Nizamut Adawlut.

NIZAMUT ADAWLUT.

174. At the close of the year 1837, there were three prisoners under reference to this Court from Cuttack, and the cases of 21 prisoners were referred in 1838, making a total of 24. These persons were disposed of as noted in the margin.*

* Acquitted, ...	5
Convicted, ...	16
Sent back, ...	2
Pending, ...	1
	24

175. The following is an abstract of the sentences passed upon the prisoners convicted in the districts of Cuttack, Pooree, and Balasore during the year 1838:

By the Nizamut Adawlut.

Imprisonment for life,	7	
„ 14 years,	1	
„ 7 years,	1	
„ 4 years,	2	
„ 3 years,	5	
		16

By the Session Judge of Cuttack.

Imprisonment for 10 years,	1	
„ 7 years,	1	
„ 6 years,	1	
„ 5 years,	5	
„ 4 years,	3	
„ 3 years,	13	
„ 2 years,	10	
„ 1 year,	5	
„ 6 months,	2	
		41

By the Commissioner of Cuttack.

* The Commissioner's statement is incorrect.

Imprisonment for 10 years,	1	
„ 5 ditto,	2	
„ 3 ditto,	1	
„ 1 year,	2	
		6*

By the Magistrate of Cuttack and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	112	
Less than 6 months,	163	
Fined,	257	
Required to give security,	29	
		561

By the Magistrate of Pooree or Southern Division of Cuttack and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	61	
Less than 6 months,	61	
Fined,	172	
Required to give security,	4	
		298

By the Magistrate of Balasore and his Assistants.

Imprisonment for 6 months and not exceeding 3 years, ...	39	
Less than 6 months, ...	42	
Fined, ...	69	
Required to give security, ...	2	
		152

GENERAL REMARKS.

176. The statements were submitted by the Commissioner of the 19th Division, with a report dated 28th February last.

177. The Court have no information before them regarding the increase or diminution of crime in these three districts, in which the superintendance of the police and the control over the Magistrates are vested in the Commissioner of the 19th Division, except what is afforded by the criminal statements. In the absence of any report on the subject by the officer alluded to, the following comparative statement of the number of crimes ascertained to have been committed in the years 1836, 1837, and 1838, the number of persons summoned or apprehended in each of those years, and the manner in which those persons were disposed of, may be referred to as indicating the state of the districts during the period embraced and the degree of efficiency of the Police and the Magistracy.

	Cuttack.			Pooree.			Balasore.		
	1836.	1837.	1838.	1836.	1837.	1838.	1836.	1837.	1838.
Heinous crimes, ...	1490	3176	1552	898	1254	518	263	418	307
Petty crimes, ...	610	482	924	264	179	185	259	187	147
	2100	3658	2476	1162	1433	703	522	605	454
Apprehended, ...	1470	1693	1022	1140	1186	551	448	534	332
Convicted, ...	628	1076	561	594	600	298	206	297	152
Committed, ...	38	137	31	116	123	35	7	21	20
Acquitted, ...	836	477	429	410	439	198	219	197	167
Proportion of acquittals to convictions and committals, per cent.,	125	39	72	57	60	59	102	62	97

178. It appears that in Central Cuttack, in which much distress is known to have prevailed at the time, there was a considerable increase of offences in 1837: and, that these offences were of a heinous character, is evinced by the large number of persons who were committed to take their trial at the Sessions. The number of persons apprehended in that year was not, however, at all proportionate to the increase of crime, which is to be accounted for partly, by regarding it (as observed in the Court's Report for 1837) as the natural effect of Regulation II. of 1832—the crimes of burglary and theft forming the largest items in the catalogue,* and partly by referring to the very small number of persons who were apprehended

* 3157 out of 3658.

without sufficient grounds—the proportion of acquittals to convictions and commitments in that year (39 per cent.) being the most favorable throughout the three districts.

179. The increase of crime in 1837 is almost imperceptible in the districts of Pooree and Balasore; but the number of persons brought to trial is greater in the latter, and the ratio of acquittals being the most favorable in that year, indicates that persons were summoned and apprehended with more than the usual caution. But in this last respect, there has been a falling off in Balasore. The same remark is applicable to Central Cuttack during the same year; for although the number of persons brought to trial in 1838, is considerably less than the number apprehended in 1836, the results are a great deal more unfavorable than the statements for 1837 exhibited.

180. The Court will request the Commissioner in his future annual reports to pay particular attention to the points embraced in the foregoing remarks; as it is important not only that the proceedings of the magisterial authorities during the year should be carefully reviewed, but that the state of crime and the efficiency of the police in that period of time, should be compared with the condition of the district in other years, as the best index to the ability and usefulness of those officers.

181. The duties of the Sessions Court of Cuttack were conducted by Mr. Hathorn to the entire satisfaction of the Court.

Zillah Backergunge.

MAGISTRATE'S COURT.

182. Mr. Bruce was Magistrate of this district from the commencement of the year to the 27th of December last, when he was relieved by Mr. Metcalfe.

* Acquitted,		270
Convicted,		1966
Committed,		101
Died,		1
Escaped,		3
Transferred to other jurisdictions,		2
Under trial:		
In jail,	32	72
On bail,	40	
		2395

183. At the close of the year 1837 there were 38 persons under examination, viz., 23 in jail and 15 on bail or personal recognizance, and 2357 persons were apprehended or summoned during the year 1838, making a total of 2395. These persons were disposed of as noted in the margin.*

* Heinous crimes,		77
Apprehended,		350
Acquitted,	40	
Convicted,	244	
Petty offences,		755
Apprehended,		2007
Acquitted,	210	
Convicted,	1742	

184. The marginal statement* shows the number of persons apprehended, acquitted and convicted in "heinous crimes" as well as in "petty offences." The proportion of acquittals to convictions is exceedingly small. The same is the case with reference to the commitments. Of the whole number committed (101) only 6 were acquitted either by the Session Judge or the Nizamut Adawlut. So far as appears from the statements, only about one-ninth of those apprehended have been released. The

major part of the convictions (1188 prisoners) were for simple assaults; 137 persons were punished for neglect of duty, and 97 for false complaints. Only 3 persons were acquitted by reason of non-attendance of prosecutors, and 26 by Razeenamahs being filed.

185. The following circumstances regarding the state of crime in the district are noted by the Session Judge: "With reference to the most heinous offences, that of murder seems slightly to have decreased, 13 cases having been ascertained to have been committed during the year 1838, being less by 2 than those ascertained in 1837, two cases of dacoity, one unattended with any aggravating circumstances and one committed on the river attended with wounding, are reported, being 2 more than in 1837, during which none were ascertained to have been committed; 28 cases of simple burglary, being an excess by 15 on those ascertained in 1837, (in which year there were only 13,) and 26 cases of theft including cattle stealing, exceeding the number in 1837 by 1, are reported; one case only of affray attended with homicide, appears to have occurred during the year."

186. The number of persons in jail and on bail on the 31st December last is noted in the margin.* The persons in jail are on charges of dacoity and theft.

* In jail, ...	33
On bail, ...	40
	72

187. Two cases instituted under the provisions of Regulation XV. of 1824, were pending at the close of the year.

188. Sixty-one persons were in confinement in default of security for good conduct, at the same period. The cases of 38 of these men were revised by Messrs. Smelt and Golding.

189. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate in criminal trials and miscellaneous cases, and the manner in which they were disposed of, are noted in the margin.* The results are particularly satisfactory as regards the appeals from the Magistrate's orders.

* *Criminal trials.*		
MAGISTRATE.		
Pending of 1837.....		4
Preferred in 1838,.....		98
		102
Confirmed,.....	90	
Reversed, ...	12	
		— 102
JOINT MAGISTRATE.		
Pending of 1837,.....		2
Preferred in 1838, ...		66
		68
Confirmed,.....	45	
Reversed, ...	23	
		— 68
Miscellaneous cases.		
Pending of 1837,.....		1
Preferred in 1838, ...		8
		9
Confirmed,.....	6	
Reversed, ...	1	
Pending,.....	2	
		— 9

190. The criminal business, actually pending in this district on the 31st December 1838, is noted in the margin.*

* Heinous offences, ...	5
Petty ditto, ...	105
Miscellaneous cases, ...	176

SESSIONS COURT.

191. Mr. Smelt was Session Judge of the district from the commencement of the year to the 23d August, when he was relieved by Mr. Stirling, who officiated

	Days.
* Mr. Smelt,	102
Mr. Sterling,	3
Mr. Golding,	26
	131

until the 22d of October, on which date Mr. B. Golding received charge and continued to the close of the year. The number of days devoted by these officers respectively, to the disposal of criminal business, is given in the margin.*

* Acquitted,	4
Convicted,	53
Referred to Nizamut Adawlut,	41
Commitments annulled,	1
Died,	1
Under trial,	2
	102

192. At the close of the year 1837, there was one person under trial, and 101 persons were committed during the year 1838, making a total of 102. These prisoners were disposed of in the manner noted in the margin.*

193. Seven cases were called for at the English sittings of the Court or by precept on appeal. In 5 cases the sentences passed by the Session Judge were confirmed, and in one case the punishment was enhanced. One case was not disposed of at the close of the year.

* Acquitted,	2
Convicted,	38
Pending,	1
	41

194. The cases of 41 prisoners were referred to the Nizamut Adawlut during the past year, and they were disposed of in the manner noted in the margin.*

195. The following is an abstract of the sentences passed upon the prisoners convicted in this district in the year 1838:

By the Nizamut Adawlut.

Death,	4
Imprisonment for life,	8
„ 7 years and not exceeding 14,	6
„ 1 year and not exceeding 5,	19
„ less than 1 year,	1
	38

By the Session Judge.

Imprisonment for 14 years and upwards,	15
„ 7 years and upwards,	9
„ 3 years and upwards,	20
„ 1 year and upwards,	2
„ less than 1 year,	7
	53

By the Magistrate and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	365
Less than 6 months,	783
Fined,	758
Required to furnish security,	60
	1966

GENERAL REMARKS.

196. The statements were submitted by Mr. Golding with a report, from which the following remarks on the state of the district and the creditable exertions of Mr. Bruce are extracted. "The returns now submitted will, I trust, prove satisfactory. I have shown in paragraph 3, that the proportion of crimes has decreased by 173 during the year under review, and the district appears to have been entirely free from cases of attack and plunder, and only two dacoitees have occurred, in one of which the whole of the prisoners committed, 15 in number, have been convicted and punished, and the other case has lately been committed for trial and will be disposed of in the course of next month. One only of Mr Bruce's commitments has been annulled during the year, the reasons for so doing have been fully detailed in the Session Judge's (Mr Smelt's) letters of the 1st and 6th February, 1838, Nos. 15 and 17. The ten prisoners entered in statement No. 12, as having been committed for trial on charges of attack and plunder, were concerned in cases which occurred in the years 1835 and 1837; nine of them have been convicted and punished, and one died in jail before being brought to trial. Cases of wilful murder appear to be still prevalent, and this district has, I am sorry to say, always been notorious for them; the chief cause seems to be jealousy. Minor offences appear from the returns to be on the decrease, compared with the number reported in 1837, although they are still numerous. A large number of burglaries and thefts have been ascertained to have been committed during the year; but this may, I think, be attributed to more cases having been brought to light through the indefatigable exertions that (I am given to understand) were made by Mr Bruce, the Officiating Magistrate, to find out, apprehend, and bring to trial, a number of persons and gangs of thieves that had long been infesting the district, the result of which, as exhibited in the margin,* have been very successful and creditable to his exertions. On the whole, as far as I can judge from the returns, the administration of criminal justice appears to have been prompt and efficient; and the business has been conducted by Mr. Bruce and his subordinates with zeal and credit to themselves. The roads in and about the station are in pretty good order, and the labor of the convicts usefully bestowed. The completion of a public road between this station and Nulchitty, which would have been of great convenience to the community at large, has been stopped, I am sorry to say, through the Circular Order of Government of the 18th September last, restricting the employment of convicts to such distances from the jail as will allow of their returning every night, which order renders it impossible that they can carry on this work to its fullest extent (9 miles) by walking out from the jail in the morning and returning in the evening."

* Apprehended on charges of burglary and theft,		183
Convicted and punished, ...	162	
Released, ...	16	
Committed, ...	2	
Pending, ...	3	

197. The Court consider the district of Backergunge to be in a very efficient state, the credit of which is entirely due to the zealous and persevering labors of Mr. Bruce.

198. The duties of the Sessions have been performed in a satisfactory manner, by the officers who have presided during the year over the administration of criminal justice in the district.

Zillah Dacca.

MAGISTRATE'S COURT.

199. Mr. James Grant was Magistrate of this district during the year 1838.

* Acquitted,		321
Convicted,		901
Committed,		110
Died,		1
Escaped,		36
Transferred to other jurisdictions,		1
Under trial:		
In jail,	17	74
On bail,	57	
		1444

200. At the close of the year 1837 there were 55 persons under trial, viz. 13 in jail and 42 on bail or personal recognizance, and 1389 persons were apprehended or summoned during the year 1838, making a total of 1444. These persons were disposed of as noted in the margin * The Magistrate states, that the 36 men entered as "escaped" were all on bail, and that 16 of them were re-apprehended.

* Heinous crimes,		184
Apprehended,		440
Acquitted,	98	
Convicted,	203	
Petty offences,		681
Apprehended,		949
Acquitted,	223	
Convicted,	698	

201. The statement entered in the margin* shows the number of persons apprehended, acquitted and convicted in "heinous crimes," as well as in "petty offences." The proportion of convictions to acquittals is satisfactory. The Court observe that 328 persons were punished for common assaults and 133 for neglect of duty, and that 13 persons were discharged in consequence of razeenamehs having been filed.

* In jail,	17
On bail,	57
	74

202. The number of persons in jail and on bail on the 31st December 1838, is noted in the margin.* The Session Judge observes: "the number of persons under examination at the end of the year is larger than at the end of the last year; but only one person has been in attendance more than three months."

203. Ten cases were pending in this district under the provisions of Regulation XV. of 1824. One of them, of more than 6 months' standing, is said to be delayed by the neglect of the parties.

204. Nine persons were in confinement, at the close of the year, in default of security for good conduct.

* *Criminal trials.*		
Pending of 1837,		9
Preferred in 1838,		95
		104
Confirmed,	34	
Reversed,	58	
Pending,	9	
Returned to Magistrate, &c.	3	
		104
Miscellaneous cases.		
Preferred,		17
Confirmed,	5	
Reversed,	10	
Pending,	2	
		17

† 22 out of 30.

205. The number of appeals preferred from the decisions of the Magistrate in criminal trials and also in miscellaneous cases, and the manner in which they were disposed of, are shown in the margin.* The results are not satisfactory. The Session Judge observes that very many† of the decisions of Mr. Dick, the Joint Magistrate, were reversed.

* Heinous offences,	8
Petty ditto,	293
Appeals,	7
Proceedings from other districts,	68
Miscellaneous cases,	186
	562

206. The criminal business actually pending in this district on the 31st December last, is noted in the margin.* The accumulation of business is considerable, and renders it necessary that some assistance should be afforded to the Magistrate. The aid of the native judges does not seem to have been sufficiently resorted to, during the last year.

FURREEDPORE.
JOINT MAGISTRATE'S COURT.

207. Mr. R. B. Garrett was Joint Magistrate of Furreedpore from the commencement of the year to the 5th November, when he made over charge to Mr. Sturt, who officiated to the end of the year.

208. At the close of the year 1837 there were 15 persons under examination, viz. 2 in jail and 13 on bail or personal recognizance, and 952 persons were apprehended or summoned during the year 1838, making a total of 967. These persons were disposed of in the manner noted in the margin.*

* Acquitted, ...		164
Convicted, ...		697
Committed, ...		62
Transferred to other jurisdictions, ...		4
Under trial :		
In jail, ...	5	40
On bail, ...	35	
		967

209. The statement entered in the margin* shows the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." The Court observe that a most disproportionate number of assaults is still inserted in the detail of miscellaneous offences, and that the remarks made on the subject in the last year's report have not had their proper effect.† The proceedings of the Joint Magistrate in other respects are satisfactory. Forty persons were discharged in consequence of razeenamehs having been filed, and 8 persons released after being reprimanded.

* Heinous Crimes,...		83
Apprehended, ...		151
Acquitted, ...	41	
Convicted, ...	72	
Petty offences, ...		2060
Apprehended, ...		801
Acquitted, ...	123	
Convicted, ...	625	

† In 1837—2517 assaults.
In 1838—1933 ditto.

210. The number of persons in jail and on bail on the 31st December last, is noted in the margin.* The statement calls for no particular remark.

* In jail, ...	5
On bail, ...	35
	40

211. One case instituted under Regulation XV. of 1824, was pending in this District at the close of the year.

212. Seventeen persons were in confinement at the same period in default of security for good conduct, and 13 of them under the orders of the Session Judge.

213. The number of appeals preferred from the decisions of the Joint Magistrate in criminal trials and miscellaneous cases, and the mode of their disposal, are entered in the margin.* With the exception of two cases still pending, the appeals were from the orders of Mr. Garrett. The results are not quite satisfactory.

* *Criminal trials.*		
Pending of 1837, ...		13
Preferred in 1838, ...		38
		51
Confirmed, ...	24	
Reversed, ...	23	
Pending, ...	4	
		— 51
Miscellaneous cases.		
Preferred, ...		14
Confirmed, ...	4	
Reversed, ...	5	
Struck off, ...	4	
Pending, ...	1	
		— 14

214. The criminal business actually pending in this Joint Magistracy on the 31st December last, is noted in the margin.* The Session Judge remarks: "The business disposed of and pending is about the same as last year. I fear without some assistance, Mr. Sturt will not be able to get through both his criminal and revenue duties." The Court observe that if the practice of unnecessarily keeping petty cases on the file, which was adverted to in former Reports, is not still continued, the necessity of affording such assistance must be apparent. But on this point the Session Judge will be requested to submit a special report for the court's consideration.

* Heinous offences, ...	2
Petty ditto, ...	423
Appeals, ...	11
Proceedings from other districts, ...	14
Miscellaneous cases, ...	61

SESSIONS COURT.

215. Mr. J. F. G. Cooke was Session Judge throughout the year 1838. He devoted 79 days to the performance of Sessions duties.

* Acquitted,	38
Convicted,	46
Referred to the Nizamut Adawlut,	21
Under trial,	8
	113

216. At the close of the year 1837, there were 3 persons under trial on commitment by the Magistrate of Dacca, and 110 persons were committed during the year, making a total of 113. These persons were disposed of as noted in the margin.*

* Acquitted,	12
Convicted,	50
Referred to Nizamut Adawlut,	5
Under trial,	5
	72

217. There were 10 persons under trial on commitment by the Joint Magistrate of Furreedpore at the close of 1837, and 62 persons were committed in 1838, making an aggregate of 72. These persons were disposed of in the manner noted in the margin.*

218. Three cases called for at the English sittings of the Court, or by precept on appeal, were disposed of during the year without any interference on the part of the Nizamut Adawlut.

* Acquitted,	14
Convicted,	9
Pending,	10
	33

219. The cases of 8 prisoners were under reference to the Nizamut Adawlut at the close of 1837, and 25 were referred during the year 1838, making a total of 33 prisoners. They were disposed of as noted in the margin.*

220. The following is an abstract of the sentences passed on the prisoners convicted in these districts during the year 1838:

By the Nizamut Adawlut.

Death,	2
14 years' imprisonment,	1
2 years' imprisonment,	3
1 year's imprisonment,	3
	9

By the Session Judge.

Imprisonment for 14 years and upwards,	8
" 7 years and upwards,	17
" 3 years and upwards,	48
" 1 year and upwards,	23
	96

By the Magistrate of Dacca and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	126
Less than 6 months,	270
Fined,	494
Required to give security,	11
	901

By the Joint Magistrate of Furreedpore and his Assistants.

Imprisonment for 6 months and not exceeding 3 years, ...	132
Less than 6 months, ...	172
Fined, ...	360
Suspended and dismissed from office, ...	16
Required to give security, ...	17
	697

GENERAL REMARKS.

221. The statements were submitted by the Session Judge, Mr. J. F. G. Cooke, accompanied by a report, in which the state of the districts under his superintendence and the proceedings of the subordinate authorities have not been particularly adverted to.

222. The Court observe that there is a slight decrease (9 cases) in the number of "heinous crimes" in the districts of Dacca and Furreedpore, and a more considerable decrease (1084 cases) in the amount of minor offences. As much depends on the manner in which the list of miscellaneous cases is prepared, it cannot be stated with confidence whether this decrease of crime is real or only apparent. The explanations which were called for, in the last report, regarding this point, were far from being satisfactory.

223. The Magistrate of Dacca makes the following remarks regarding cases entered in his statements under the class of dacoity: "The dacoity cases (head 7) were rather serious, in one of them 21 persons were apprehended, 13 sentenced to 14 and 7 years' imprisonment, and 3 of those acquitted required to give security. The other case is under investigation: it was committed in open day by the adherents of a zemindar, and three men said to have been carried off, dead or alive, during the outrage, are still missing, see my letters noted in the margin.*" The Court observe that some correspondence took place with regard to the last mentioned case, which afforded ground for supposing that the case had been improperly classed as dacoity, since it partook of the character of an affray between the servants of the co-parceners in a Zemindaree, in which each party had assembled numbers of armed men for the purpose of carrying away certain disputed crops. The proceedings of the Magistrate as regards this case, were marked by some irregularities, for which that officer was admonished by the Court.

* Magistrate to Register of the Nizamut Adawlut, No. 1, dated 2d January, 1839.
Magistrate to Officiating Session Judge, No. 2, dated 4th idem.

224. Mr. Grant also makes the following observations regarding other description of crimes: "Burglary and theft will, I fear, continue common, until punishment by the rattan is again allowed. A considerable number of the prisoners in the statement are old offenders who showed the greatest indifference as to the result of their trial.

"The affray with homicide cases (head 28) both took place about trifles. One of them was deliberately commenced in the city before numerous spectators, and

the result seemed to cause very little sensation. The immense increase in affrays with violent breaches of the peace, I attribute, in some measure, to the system of levying fines in lieu of *hard labour*, which respectable men, such as Gomastas, &c. dread more than any amount of fine, which they have the means of paying.

"In assaults and other miscellaneous crimes there is a very considerable decrease compared with the former year."

225. These observations have called for the following strictures from the Session Judge:

"With reference to the 6th, 7th and 8th paragraphs of the Magistrate's letter No. 28, I must remark, that from what I hear, there is not so much work done in the criminal department, as is required. This may consequently tend to the increase of heinous crimes and decrease of minor offences, as persons will not, in the latter case, take the trouble of complaining if they are not likely to gain any thing by it. Thefts and burglaries are said to be very common in the city, and the police negligent. When an old offender is sentenced to 2 or 3 years, the receiving 30 rattans, at the commencement of that period, I cannot imagine would have any effect upon his future conduct."

226. The Court observe that the Magistrate is mistaken in supposing that the commutation of hard labour to a fine can be an inducement to any class of persons to engage in breaches of the peace, unless they are spurred on by motives of a totally different character, and are at the same time unchecked by the presence and efforts of an efficient police. Mr. Grant has himself remarked, in the course of the correspondence before mentioned, that he "found the police generally shy of exerting themselves, apparently from some apprehension that they might in the end reap no benefit from endeavouring to bring the case home to the actual perpetrators." It must be evident that if the power of the police is thus paralysed by any improper influence operating on their minds, *after the perpetration* of an affray, there can be no hope of their acting vigorously to *prevent* breaches of the peace; on the contrary, the knowledge of such a state of feeling must afford great encouragement to the commission of every description of crime by the wealthy and influential classes. On the other hand, though they are prepared to give due weight to the probable cause assigned for the diminution of petty offences and the increase of heinous crimes, the Court would have been better satisfied had the Session Judge offered to their consideration remarks founded on actual observation and personal enquiry rather than on mere hearsay or theoretical views.

227. The Court are satisfied with the manner in which Mr. Cooke has conducted the duties of his own office, except as regards the preparation of his periodical sessions statements, the remarks in which were generally written in a crude and unconnected style.

Zillah Mymensingh.

MAGISTRATE'S COURT.

228. Mr. E. V. Irwin was Magistrate from the commencement of the year to the 16th February, and Mr. R. M. Skinner from that date to the end of the year.

229. At the close of the year 1837, there were 86* persons under examination, viz. 41 in jail and 45 on bail or personal recognizance, and 2192 persons were apprehended or summoned during the year 1838, making a total of 2278. These persons were disposed of in the manner indicated in the margin.† The difference (41) between this number and the total of the items entered in the margin, arises from 41 persons, who had forfeited their recognizances, being re-apprehended. The number of persons entered as "escaped" consists of those who had failed to appear on the recognizances which they had entered into, and could not be re-apprehended.

* This was stated at 85 in last year's report.

† Acquitted, ...		615
Convicted, ...		1282
Committed, ...		255
Died, ...		4
Escaped, ...		39
Transferred to other jurisdictions, ...		8
Under trial:		
In jail, ...	8	34
On bail, ...	26	
		2237

230. The number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences" is entered in the margin.* The results, including commitments, are satisfactory. The number of convictions for neglect of duty cannot be clearly ascertained, though 69 persons appear to have been dismissed from service. There were 49 persons discharged in consequence of Razeenamehs having been filed, and 4 from non-attendance of prosecutors.

* Heinous crimes,...		172
Apprehended,.....		540
Acquitted, ...	172	
Convicted, ...	184	
Petty offences, ...		942
Apprehended, ...		1652
Acquitted, ...	443	
Convicted, ...	1098	

231. The Court observe that during the year there were three cases of dacoity, and two of them of a serious complexion, 66 simple burglaries and 69 thefts; 2 affrays attended with loss of life; and 3 cases of arson. These breaches of the law appear to have been properly investigated, and the offenders brought to justice.

232. The number of persons in jail and on bail on the 31st December last, is noted in the margin.*

* In jail, ...	8
On bail, ...	26
	34

233. Seventeen cases were pending in this district at the close of the year under the provisions of Regulation XV. of 1824. This is a considerable number, but the Court observe that it has since been considerably reduced.

234. Nine persons were in confinement on the 31st December 1838, in default of security for good conduct.

235. The number of appeals preferred from the decisions of the several officers, who have exercised criminal jurisdiction in the district of Mymensingh during the past year, and the manner in which they were disposed of, are noted in the margin.* The result cannot be considered as altogether satisfactory. Thirty-four cases were called for by the Session Judge on revision of the Magistrate's monthly statements.

* *Criminal trials.*

Officers.	Appeals.	Confirmed.	Modified or Reversed.	Pending.
Mr. Irwin, ...	†49	30	19	0
" Skinner, ...	282	173	81	28
" Wheler,.....	57	24	33	0
" Sleeman, ...	27	4	10	13
" Hay, ...	28	9	2	17

† 16 of these were pending on the 31st December 1837, all the rest were preferred or called for within the year.

Miscellaneous cases.

Pending	9
Preferred,	6
	15
Confirmed,	9
Pending,	6
	15
* Heinous offences,	18
Petty ditto,	138
Proceedings from other districts,	1
Miscellaneous cases,	229
	386

236. The criminal business actually pending in this district on the 31st December last, is noted in the margin.* The cases are properly distributed among the Magistrate and his subordinates.

SESSIONS COURT.

237. Mr. G. C. Cheap was Session Judge from 1st January to the 16th February and from the 21st March to the 14th December, and Mr. R. Torrens officiated from the 22d December to the end of the year. Mr. J. M. Hay had charge of the office during the intervals. Mr. Cheap was employed 137 days and Mr. Torrens 6 days, in the Sessions Court and in trying appeals.

* Acquitted,	74
Convicted,	137
Referred to Nizamut Adawlut,	67
Under trial,	48
	326

238. At the close of the year 1837, there were 62 persons under trial, 257 were committed during the year, and 7 were received back after reference to the Nizamut Adawlut, making an aggregate of 326. These prisoners were disposed of in the manner noted in the margin.* The Court observe that the Magistrate's statement No. 1, exhibits 255 persons under the head of commitments; and if the discrepancy arises from commitments made from other districts, separate statements should have been submitted for those districts.

239. Three cases (including 11 prisoners) were called for by the Nizamut Adawlut at their English sittings, or by precept on appeal. The sentences passed by the Session Judge upon five of them were confirmed and upon three annulled: the punishment was enhanced in regard to the remaining three.

* The statement No. 12 shows 67, the error arises from the omission of 4 prisoners, and the insertion of 7 a second time.

240. The cases of 64* prisoners were referred to the Nizamut Adawlut, during 1838, and they were disposed of as noted in the margin.†

* Acquitted,	10
Convicted,	18
Sent back,	1
Pending,	35
	64

241. The following is an abstract of the sentences passed on the prisoners convicted in this district, during the year 1838.

By the Nizamut Adawlut.

Death,	1
Imprisonment for life,	3
" six years and not exceeding 14,	6
" two years,	8
	18

By the Session Judge.

Imprisonment for seven years and upwards,	21
" 3 years and upwards,	49
" 1 year and upwards,	28
" less than one year,	39
	137

By the Magistrate and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,.....	267
Less than 6 months, ...	491
Fined, ...	419
Dismissed from service, ...	69
Required to furnish security, ...	36
	1282

GENERAL REMARKS.

242. The statements were submitted by Mr. Torrens, who is unable, in consequence of having entered on his duties at the very close of the year, to afford any information as to the state of the district or the proceedings of the Magisterial authorities, during the year under review. The Court observe that Mr. Cheap should have recorded the result of his observations on those points, before making over charge of his office, as every officer leaving a district under similar circumstances, should draw up a report on the subject, to be forwarded with the annual statements at the usual period.

243. The amount of crimes appears to have disminished during the past year. The business of the Magisterial courts has also been more efficiently performed. But the Court consider that there is room for improvement in the last mentioned respect; and that, with the assistance which the Magistrate derives from the Joint Magistrate and Mr. Sleeman, who is vested with the powers of Joint Magistrate, the district ought to be put on a more efficient footing than it has been.

244. The Sessions duties have been performed by Mr. Cheap in a satisfactory manner.

Zillah Tipperah.

245. Mr. W. J. H. Money was Magistrate of this district throughout the year. MAGISTRATE'S COURT.

246. At the close of the year 1837, there were 15 persons under trial, viz. 2 in jail, and 13 on bail or personal recognizance, and 1665 persons were apprehended or summoned during the year, making a total of 1680. These persons were disposed of in the manner noted in the margin.* The Court observe, that the returns do not exactly correspond with the aggregate of the monthly returns, which shew 480 acquitted and 1082 convicted: this is evidently attributable to the Magistrate having incorrectly included in his annual statement, in the number of acquittals, some prisoners who appeared in his monthly statements as transferred to other districts, the number under which head should be 19.

* Acquitted, ...		487
Convicted, ...		1081
Committed, ...		59
Died, ...		2
Transferred to other jurisdictions, ...		13
Under trial:		
In jail, ...	5	
On bail, ...	33	38
		1680

* Heinous crimes,...		149
Apprehended, ...		337
Acquitted, ...	160	
Convicted, ...	137	
Petty offences, ...		978
Apprehended, ...		1328
Acquitted, ...	327	
Convicted, ...	944	

247. The statement in the margin* shews the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences:" 85 persons were punished for neglect of duty. Taking into calculation the number convicted of those committed for trial, the Court consider the results to be very creditable to Mr. Money.

248. Thirty-one persons were discharged in consequence of Razeenamehs having been filed, and 3 from non-attendance of prosecutors.

* In jail,.....	5
On bail, ...	33
	38

249. The number of persons under trial in jail and on bail on the 31st December last, is noted in the margin.*

250. No cases were pending in this district at the close of the year under the provisions of Regulation XV. 1824.

251. Four persons were confined at the same period in default of security for good conduct.

* *Criminal trials.*		
Pending of 1837,.....		18
Preferred in 1838, ...		75
		93
Confirmed, ...	48	
Reversed or modified, ...	39	
Pending, ...	6	
		93
Miscellaneous cases.		
Pending of 1837,.....		3
Preferred in 1838, ...		19
		22
Confirmed, ...	11	
Reversed, ...	5	
Pending, ...	6	
		22

252. The appeals preferred from the orders of the Magistrate in criminal trials and miscellaneous cases, and their results, are entered in the margin,* and do not call for any particular remark.

* Heinous offences, ...	5
Petty ditto, ...	169
Appeals, ...	5
Miscellaneous cases, ...	2

253. The criminal business actually pending in this district at the close of the year, is noted in the margin.*

NOACOLLY.

JOINT MAGISTRATE'S COURT.

254. Five officers performed the duties of Joint Magistrate during the past year, viz.

Mr. C. T. Davidson from 1st January to 4th May;

Mr. C. Grant from 5th to 27th May;

Mr. T. Young from 28th May to 26th June;

Mr. C. Grant again from 27th June to 29th August;

Mr. W. Bell from 30th August to 15th November; and

Mr. R. B. Garrett from 16th November to the end of the year.

255. At the close of the year 1837, there were 24 persons under examination, viz. 10 in jail and 14 on bail or personal recognizance, and 731 persons were apprehended or summoned during the year, making a total of 755. These persons were disposed of in the manner noted in the margin.* The above is the result shewn by the annual statements, which clearly have not been compared with those monthly submitted, and the result of which is also noted in the margin,† as well as the number of prisoners under examination at the close of 1837, which the return for that year shewed to be 29 instead of 24.

* Acquitted, ...		272
Convicted, ...		442
Committed, ...		14
Died, ...		2
Transferred to other jurisdiction, ...		16
Under trial:		
In jail, ...	2	
On bail, ...	7	
		9
		755

† Pending of 1837, ...		29
Apprehended in 1838, ...		755
		784
Acquitted, ...	276	
Convicted, ...	453	
Committed, ...	14	
Died in jail, ...	2	
Transferred to other jurisdictions, ...	30	
Remaining, ...	9	
		784

256. The statement in the margin* shews the number of persons apprehended, acquitted, and convicted in "heinous crimes," as well as in "petty offences." The Court concur with the Session Judge that, under the circumstances mentioned by him in the following extract from his letter, the state of business was as favorable as could have been expected. "Although the state of criminal justice in this district is not favorable, the proportion of acquittals to convictions being large, both in the cases tried by the Joint Magistrates and by the Session Judge, still it is as favorable as could have been expected, considering the frequent changes that have taken place in the office of Joint Magistrate during the year; each of the Joint Magistrates having been on an average two months at a time in charge of the office."

* Heinous crimes, ...		69
Apprehended, ...		175
Acquitted, ...	72	
Convicted, ...	79	
Petty offences, ...		593
Apprehended, ...		556
Acquitted, ...	200	
Convicted, ...	363	

257. Twenty-eight persons were discharged in consequence of Razeenamehs having been filed, and 3 from non-attendance of prosecutors.

258. The number of persons in jail and on bail on the 31st December last, is noted in the margin.*

* In jail, ...	2
On bail, ...	7
	9

259. No case was pending under Regulation XV. 1824, at the close of the year.

260. Six persons were confined in default of security for good conduct at the same period.

261. The number of appeals preferred from the decisions of the Joint Magistrate in criminal trials and miscellaneous cases, is noted in the margin.* Again

* *Criminal trials.*		
Pending of 1837, ...		6
Preferred in 1838, ...		32
		38
Confirmed, ...	13	
Reversed, ...	17	
Pending, ...	8	
		38
Miscellaneous cases.		
Preferred, ...		1
Pending, ...	1	

* Pending of 1837,.....	6
Preferred in 1838, ...	31
	37
Confirmed, ... 11	
Modified or reversed, ... 18	
Pending, ... 8	
	37
Miscellaneous cases.	
Preferred,.....	2
Confirmed, ... 1	
Pending, ... 1	
	2

there is a discrepancy as compared with the monthly returns, the results of which are similarly noted.* The number of decisions reversed or modified is large.

* Heinous offences,.....	4
Petty ditto, ...	74
Appeals, ...	14
Proceedings from other districts,.....	15
Miscellaneous cases, ...	46

262. The criminal business actually pending in this district on the 31st of December last, is noted in the margin.*

SESSIONS COURT.

263. Mr. James Shaw performed the duties of Session Judge throughout the year 1838. He was employed 87 days in the criminal court.

* Acquitted, ...	1
Convicted, ...	42
Referred to Nizamut Adawlut, ...	8
Under trial, ...	9
	60

264. At the close of the year 1837, there was one person under trial on commitment by the Magistrate of Tipperah, and 59 persons were committed during the year, making an aggregate of 60. These persons were disposed of as noted in the margin.* The results are extremely creditable to the Magistrate, and evince the exercise of a sound discretion on his part in making the commitments.

* Acquitted, ...	7
Convicted, ...	7
	14

265. There were no persons under trial at the close of 1837 on commitment by the Joint Magistrate of Noacolly: 14 were committed in 1838. They were disposed of in the manner noted in the margin.*

266. Five cases called for at the English sittings, or by precept on appeal, were disposed of during the year. In three cases the sentences passed by the Session Judge were annulled. The sentence of the Session Judge in one case was mitigated, and in another confirmed.

267. Fourteen prisoners were under reference to the Nizamut Adawlut from the district of Tipperah at the close of 1837, and the number referred in 1838 was 8, making a total of 22. They were disposed of in the manner noted in the margin.*

* Acquitted, ...	4
Convicted, ...	16
Pending,.....	2
	22

268. The following is an abstract of the sentences passed on the prisoners convicted in the districts of Tipperah and Noacolly during the year 1838:

By the Nizamut Adawlut.

Death, ...	6
14 years' imprisonment, ...	4
6 ditto ditto,.....	5
1 ditto ditto,.....	1
	16

By the Session Judge.

Imprisonment for 14 years and upwards,		1
„	7 years and upwards,	15
„	3 years and upwards,	22
„	1 year and upwards,	9
„	less than one year,	2
		49

By the Magistrate of Tipperah and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	143
Less than 6 months,	356
Fined,	572
Required to furnish security,	10
	1081

By the Joint Magistrate of Noacolly and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	34
Less than 6 months,	141
Fined,	257
Required to give security,	10
	442

GENERAL REMARKS.

269. The statements for the districts of Tipperah and Noacolly were submitted by the present Session Judge, Mr. Cardew, with his separate letters of the 4th February and 11th March last. As already noticed, in some respects they have not been carefully prepared, a point to which the Session Judge's attention will be requested in the preparation of future returns. When on a comparison in the Session Judge's office of the annual with the monthly statements, any errors are discovered, the statements should be immediately returned to the Magistrate for correction, so that they may come before the Court free from inaccuracies.

270. The Court have observed with satisfaction that Mr. Money has maintained his character for activity and efficiency as a Magistrate. The following remarks of the Session Judge are highly to his credit: " I consider the result of Mr. Money's proceedings to be highly favorable, and to reflect great credit on him. More than two-thirds of the persons apprehended have been convicted, and the criminal business of every kind pending at the end of the year is very small. He has conducted the duties of his troublesome office to the satisfaction of all the well disposed persons in the district, and to the terror of evil doers. All the natives and Europeans I have spoken to on the subject are unanimous in opinion that the district has met a great loss in Mr. Money's departure for Europe."

271. The Session Judge, Mr. J. Shaw, has also proceeded to Europe, since the commencement of the present year, and the district of Tipperah has lost in him an officer of great experience and tried ability.

Zillah Chittagong.

MAGISTRATE'S COURT.

272. Mr. A. S. Annand was Magistrate of the district from the commencement of the year to the 6th of February, and Mr. W. S. Raikes from that date to the end of the year.

* Acquitted,		589
Convicted,		797
Committed,		91
Died,		1
Under trial:		
In jail,	25	39
On bail,	14	
		1517

273. At the close of the year 1837, there were 38 persons under examination, viz. 5 in jail and 33 on bail or personal recognizance, and 1479 persons were apprehended or summoned during the year, making a total of 1517. These persons were disposed of as noted in the margin.* The Court are happy to observe a considerable improvement in this statement as compared with the year preceding. The number of persons apprehended is about one-fourth less than it was in 1837, while the proportion of convictions to acquittals is greater.

* Heinous crimes,		118
Apprehended,		348
Acquitted,	154	
Convicted,	113	
Petty offences,		553
Apprehended,		1131
Acquitted,	435	
Convicted,	684	

274. The memorandum in the margin* exhibits the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences:" 34 persons were punished for neglect of duty. Taking into account the large number of commitments, the Court consider the statement to be satisfactory.

* In jail,	25
On bail,	14
	39

275. The number of persons in jail and on bail on the 31st December last, is noted in the margin.*

276. No case was pending in this district under Regulation XV. of 1824.

277. Ten persons were confined in this district, on requisition of security for good conduct, at the close of the year.

* *Regular trials.*		
Pending of 1837,		55
Preferred in 1838,		198
		253
Confirmed,	143	
Modified or reversed,	75	
Pending,	35	
		253
Miscellaneous cases.		
Pending of 1837,		5
Preferred in 1838,		61
		66
Confirmed,	33	
Reversed,	23	
Pending,	10	
		66

278. The appeals preferred from the decisions of the Magistrate and Joint Magistrate in criminal trials and miscellaneous cases, and the result thereof, are noted in the margin.* The statements are prepared from the monthly returns submitted during the year by the Session Judge, which do not correspond with the annual statements, exhibiting only 21 cases pending of 1837, and 120 preferred within the year. The Session Judge will be requested to call for, and submit an explanation on this point.

* Heinous offences,	4
Petty ditto,	257
Appeals,	8
Proceedings from other districts,	3
Miscellaneous cases,	165

279. The criminal business actually pending in this district on the 31st December last is given in the margin.* The number of petty cases is very large.

NOACOLLY.

JOINT MAGISTRATE'S COURT.

280. Under the orders of Government, No. 125, dated 16th January 1838, the islands of Hutteah and Sundeep, within the Joint Magistracy of Noacolly, were transferred from the jurisdiction of the Session Judge of Tipperah to that of the Session Judge of Chittagong. The names of the several officers who held the situation of Joint Magistrate of Noacolly are given in the report for the district of Tipperah. The following remarks refer solely to the proceedings of the Joint Magistrate in connection with the islands abovementioned.

281. At the close of the year 1837, there were 5 persons under examination on bail, and 131 were apprehended or summoned during the year, making a total of 136. They were disposed of as noted in the margin.*

* Acquitted, ...	65
Convicted, ...	70
Transferred to other jurisdictions, ...	1
	136

282. The number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences," is entered in the margin.*

* Heinous crimes,...		5
Apprehended, ...		†50
Acquitted, ...	33	
Convicted, ...	17	
Petty offences, ...		93
Apprehended, ...		85
Acquitted, ...	32	
Convicted, ...	53	

† Including 4 of the preceding year.

283. There were no persons under trial in jail or on bail on the 31st December last.

284. No case, instituted under the provisions of Regulation XV. of 1824, was pending on the 31st December last.

285. There were no prisoners in confinement in default of security for good behaviour at the same period.

286. The number of appeals in criminal trials preferred from the decisions of the Joint Magistrate and their results are given in the margin.* There was but one miscellaneous appeal, the order of the Joint Magistrate in which was confirmed.

* Total appeals,.....		8
Confirmed, ...	3	
Reversed or modified,	4	
Pending, ...	1	
		8

287. The criminal business pending in the Joint Magistracy of Noacolly, in connection with the islands of Hutteah and Sundeep, is noted in the margin.*

* Heinous offences, ...	2
Petty ditto, ...	9
Appeals, ...	2
Proceedings from other districts, ...	2
Miscellaneous cases,.....	5

SESSIONS COURT.

288. Mr. H. Moore was Session Judge of this district throughout the year. He was employed 118 days in the Sessions Court.

289. At the close of the year 1837, there were 6 persons under trial on commitment by the Magistrate of Chittagong, and 87 were committed during the year, making a total of 93. These persons were disposed of in the manner noted in the margin.* The commitments were in general judiciously made.

* Acquitted,.....	27
Convicted, ...	54
Referred to Nizamut Adawlut, ...	11
	92

discrepancy 1, which is accounted for by one prisoner, having been twice committed.

290. No commitments were made by the Joint Magistrate of Noacolly during the past year.

291. Eight cases called for on a revision of the monthly statements were disposed of during the year. In three cases the sentence passed by the Session Judge was annulled. In one case the sentence was mitigated, and 4 cases were

disposed of without any interference. In one case the sentence of imprisonment passed by the Session Judge was mitigated by the Court at their English sittings, under the provisions of Section 5, Regulation IX. 1831: and in two others the punishment of Tusheer was remitted.

292. Eleven prisoners were referred to the Nizamut Adawlut during the year 1838, 8 of whom were convicted and 3 were under trial at the close of the year.

293. The following is an abstract of the sentences passed upon the prisoners convicted during the year 1838:

By the Nizamut Adawlut.

Death,	1
Imprisonment for life,	1
" for 5 years and not exceeding 14,	5
" for less than one year,	1
	8

By the Session Judge.

Imprisonment for 14 years and upwards,	3
" 7 years and upwards,	10
" 3 years and upwards,	25
" 1 year and upwards,	13
" less than one year,	1
Fined,	2
	54

By the Magistrate of Chittagong and his Assistants.

Imprisonment for 6 months and not exceeding 2 years,	81
Less than 6 months,	401
Fined,	299
Required to give security,	16
	797

By the Joint Magistrate of Noacolly.

Imprisoment for 6 months and not exceeding 3 years,	7
Less than 6 months,	36
Fined,	27
	70

GENERAL REMARKS.

294. The statements were submitted by Mr. Raikes, Officiating Session Judge, who, as he had himself acted as Magistrate during the greater portion of the year under review, forwarded them without any remarks. It would have been satisfactory to the Court had Mr. Moore recorded his opinion of the administration of the Magistrate's court, before leaving the district. From an examination, however, of the statements it appears to the Court to have been quite efficient, and creditable to Mr. Raikes.

295. The Court are satisfied with the manner in which Mr. Moore discharged the duties of the Sessions Court.

Zillah Sylhet.

296. Mr. Mytton was Magistrate of this district from the commencement of the year to the 16th November, when he was relieved by Mr. Plowden, who acted as Magistrate to the end of the year.

MAGISTRATE.

297. At the close of the year 1837, there were 69 persons under examination, viz. 20 in jail and 49 on bail or personal recognizance, and 2272 persons were apprehended or summoned during the year 1838, making a total of 2341. These persons were disposed of in the manner noted in the margin.*

* Acquitted, ...		796
Convicted, ...		1306
Committed, ...		104
Died, ...		4
Escaped,.....		7
Transferred to other jurisdictions, ...		2
Under trial :		
In jail, ...	31	122
On bail,.....	91	
		2341

298. The statement entered in the margin* shows the number of persons apprehended, acquitted, and convicted in "heinous crimes," as well as in "petty offences." The Court observe, that the number of apprehensions during the year under review was considerably less than in the year preceding; and that the excess in 1837, was ascribed to distress occasioned by bad rice crops. The proportion of convictions (including commitments) to acquittals, in heinous cases, is nearly the same in both years, being as two to one; but in petty cases, the ratio in the last year is higher. The majority of petty offences is composed of assaults. The number of person, (15) punished for enticing away females or children is inconsiderable, as compared with the number (131) given in the former Report. One hundred and twenty-seven persons were discharged, in consequence of Razeenamahs having been filed and none from the non-attendance of prosecutors.

* Heinous crimes,...		737
Apprehended, ...		499
Acquitted, ...	174	
Convicted, ...	227	
Petty offences, ...		985
Apprehended, ...		1773
Acquitted, ...	622	
Convicted, ...	1079	

299. The number of persons in jail or on bail at the close of the year is noted in the margin.*

* In jail, ...	31
On bail, ...	91
	122

300. Five cases instituted under the provisions of Regulation XV. 1824, were pending in this district at the close of the year.

301. Thirty-eight persons were in confinement on the 31st December 1838, in default of security for good conduct. Only one case was revised by the Officiating Session Judge.

APPEALS.	Pending and Preferred.	Confirmed.	Reversed.	Pending.
Regular trials				
Magistrate, ...	38	25	12	1
Joint Magistrate,.....	95	54	35	6
Miscellaneous cases.				
Magistrate, ...	4	0	4	0
Joint Magistrate, ...	10	2	8	0
Total,.	147	81	59	7

302. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate in criminal trials, as also in miscellaneous cases, and the mode in which they were disposed of, are noted in the margin. The results are generally satisfactory.

* Heinous offences,.....	19
Petty ditto, ...	114
Appeals, ...	18
Proceedings from other districts,.....	1
Miscellaneous cases, ...	218

303. The criminal business actually pending in this district, on the 31st December last, is noted in the margin.* The Officiating Session Judge, adverting to the number of persons under trial, and to the amount of business pending, considers this to be "a result quite as satisfactory as could be expected, as the Magistrate Mr. Plowden had so lately received charge of his office." The Court observe, that the Magistrate should avail himself of the aid of the Principal Sudder Ameen and the Sudder Ameen in disposing of petty cases, of which there is a considerable number on his own file.

SESSIONS COURT.

304. Mr. H. Stainforth officiated as Session Judge throughout the year. He devoted 79 days to the disposal of criminal business.

* Acquitted, ...	20
Convicted, ...	76
Referred to Nizamut Adawlut, ...	4
Died.....	1
Under trial, ...	3
	104

305. The number of persons committed to the sessions during the year 1838, and the manner in which the cases were disposed of, are noted in the margin.* The cases of 43 prisoners were referred to the Nizamut Adawlut, on account of the Officiating Session Judge differing from the verdict of the Assessors, but were returned with instructions that he should dispose of the cases himself.

306. Eleven trials were called for by the Court at their English sittings, or by precept on appeal, during the year, and 2 cases called for in the preceding year, were pending on the 1st January 1838, making altogether 13 trials. The orders of the Officiating Session Judge were confirmed with regard to 19, and modified or reversed with regard to 6 prisoners. Six cases remained undisposed of at the termination of the year.

* Acquitted, ...	4
Convicted, ...	1
Sent back,.....	43
Pending, ...	2
	50

307. Three prisoners were under reference to this Court at the close of 1837, and 47 were referred during the year 1838, making a total of 50. These prisoners were disposed of in the manner noted in the margin.*

308. The following is an abstract of the sentences passed on the prisoners convicted in this district during the year 1838:

By the Nizamut Adawlut.

Imprisonment for life, ... 1

By the Session Judge.

Imprisonment for 7 years and upwards,.....	10
" 3 years and upwards,.....	55
" 1 year and upwards, ...	11
	76

By the Magistrate and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,.....	211
Less than 6 months,.....	208
Fined, ...	834
Required to give security, ...	53
	1306

GENERAL REMARKS.

309. The statements were submitted by the Officiating Session Judge, with a report, dated 8th June, which is far beyond the time at which they ought to have been forwarded.

310. The more heinous crimes of murder and dacoity have been infrequent in the district. Nor were there any serious cases of burglary: 292 simple cases are reported, but only 45 persons were convicted and 8 committed. "Two fatal affrays (observes Mr. Stainforth) occurred during the year 1838, against 2 in 1837; one was of a very aggravated nature, 5 persons having been shot in it, but I was unable to find that the police had any grounds for anticipating a breach of the peace, and consider the case to be one always liable to occur under the most efficient supervision constituted as the village police is at present, and utterly disarmed as the Magistrate is, by the abolition of corporal punishment, of all power to meet the negligence of Chowkeedars by what is considered by them to be punishment. It was only the other day that a Chowkeedar sentenced to 15 days' imprisonment, in default of paying a fine, requested the Joint Magistrate to give him the benefit of a full month.

"In these two cases of affray, 67* persons were committed for trial to the Sessions Court, and of them 56 were punished."

* The remainder of the 73 persons committed were charged with offences which occurred before 1838.

311. The state of the district may on the whole be pronounced to be satisfactory, and much credit is due to Mr. Mytton, who has recently resigned the magistracy, for his successful efforts

312. The Court have reason to be satisfied with the manner in which Mr. Stainforth conducted the duties of his own office during the year. The only exception which they have to record, relates to the very tardy transmission of the jail delivery statements, and particularly the annual returns, by his negligence in which the preparation of the Court's Report has been much delayed.

Zillah Beerbhoom.

MAGISTRATE'S COURT.

313. Mr. F. Stainforth held the office of Magistrate from the 1st January to the 10th July, when he was relieved by Mr. H. Atherton, who conducted the duties to the end of the year.

* Acquitted,	766
Convicted,	1749
Committed,	137
Transferred to other jurisdictions,	11
Under trial,	28
	2691

314. At the close of the year 1837, there were 7 persons under trial, viz. 4 in jail, and 3 on bail or personal recognizance, and 2684 persons were apprehended or summoned during the year 1838, making a total of 2691. These persons were disposed of in the manner noted in the margin.*

* Heinous crimes,		330
Apprehended,		726
Acquitted,	166	
Convicted,	396	
Petty offences,		724
Apprehended,		1958
Acquitted,	600	
Convicted,	1353	

315. The statement in the margin shews the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." The results in heinous crimes are satisfactory; but notwithstanding the figured statements, the Court do not agree with the Session Judge in thinking those in petty offences equally so, as no less than 865 persons were apprehended on charges of neglect of duty, of whom 677 were punished with small fines or a few days' imprisonment. With reference to the detail of miscellaneous cases, the Court observe that the term misdemeanours as descriptive of criminal offences is of too general a character, and leaves the Court entirely in ignorance of the nature of the offences.

316. Sixteen persons were discharged in consequence of Razeenamahs having been filed.

* In jail,	22
On bail,	6
	28

317. The number of persons in jail and on bail on the 31st December last, is given in the margin.*

318. No case was pending under Regulation XV. of 1824, at the close of the year.

319 Twenty-six persons were confined at the same period in default of security for good conduct.

* *Regular cases.*		
Preferred,		34
Confirmed,	21	
Reversed,	11	
Pending,	2	
		— 34
Miscellaneous cases.		
Preferred,		38
Confirmed,	23	
Reversed,	12	
Dismissed on default,	1	
Pending,	2	
		— 38

320. The number of appeals from the decisions of the Magistrate in regular and miscellaneous cases, and their results, are noted in the margin,* and are considered satisfactory.

* Heinous offences,	5
Petty ditto,	1
Miscellaneous cases,	59

321. The criminal business actually pending in this district at the close of the year, is given in the margin.* The statement shews that the business of the Magistrate's office is promptly attended to.

SESSIONS COURT.

322. Mr. J. H. D'Oyly was Session Judge of Beerbhoom during the past year. He was, however, absent from the 1st to the 22d of January, during which

period the Principal Sudder Ameen, Moolvee Mahomed Faiq, conducted the current duties. Mr. D'Oyly sat 92 days in the Sessions Court.

323. There were no persons under trial on commitment by the Magistrate at the end of 1837—137 persons were committed during 1838, who were disposed of as noted in the margin.* The following extract from the Session Judge's letter submitting the statements gives the detail of the commitments (and their results) made by each of the officers who were in charge of the magistracy during the year.

* Acquitted,	33
Convicted,	55
Referred to Nizamut Adawlut,	34
Pending,	15
	137

"Mr. F. Stainforth made over, up to the 11th of July, 97 prisoners, 41 of whom were punished in the Sessions Court, and 26 men whose cases were forwarded to the Sudder Nizamut Court: 30 were released by me, but I considered the Magistrate right in making them over for trial as stated in my remarks entered in the monthly statements of trials forwarded.

"Mr. Atherton made over 40 prisoners, 16 of whom were convicted in my court, and 17 men in cases sent to the Nizamut for final orders: 4 men were released, and 3 returned for further enquiry. This result is I think favorable to the Magistrate."

324. One trial called for by precept on appeal was disposed of during the year without any interference.

325. Thirty-four prisoners were referred to the Nizamut Adawlut during the past year, who were disposed of as noted in the margin.*

* Acquitted,	13
Convicted,	16
Pending,	5
	34

326. The following is an abstract of the sentences passed on the prisoners convicted in the district of Bheerbhoom during the year 1838:

By the Nizamut Adawlut.

Death,	1
Imprisonment for life,	3
" 14 years,	5
" 7 ditto,	2
" 1½ ditto,	1
" 1 ditto,	1
	13

By the Session Judge.

Imprisonment for 14 years and upwards,	3
" 7 ditto and upwards,	3
" 3 ditto and upwards,	38
" 1 ditto and upwards,	11
	55

By the Magistrate and his Assistants.

Imprisonment for 6 months and not exceeding 3 years, ...	168
Less than 6 months, ...	634
Fined, ...	883
Dismissed and suspended from office,.....	40
Required to furnish security,.....	24
	1749

GENERAL REMARKS.

327. The duties of the Sessions Court have been very ably and efficiently discharged by Mr. D'Oyly, both as regards the conduct of trials and the preparation of his periodical returns. Those of the Magistrate's court appear also to have been correctly conducted by Messrs. Stainforth and Atherton.

Zillah Bhagulpore.

328. Mr. H. F. James officiated as Magistrate of Bhagulpore from the commencement of the year to the 10th December, and Mr. H. C. Bagge from the 11th to the 31st December.

MAGISTRATE'S COURT

329. At the close of the year 1837, there were 7 persons under examination, viz. 4 in jail and 3 on bail or personal recognizance, and 1912 persons were apprehended or summoned during the year, making an aggregate of 1919. These persons were disposed of as noted in the margin.*

* Acquitted, ...		348
Convicted, ...		1471
Committed.		84
Transferred to other jurisdictions, ...		2
Under trial:		
In jail, ...	7	14
On bail, ...	7	
		1919

330. The memorandum in the margin* exhibits the number apprehended, convicted, and acquitted in "heinous crimes" as well as in "petty offences." The proportion between convictions and acquittals in this district continues satisfactory. The list of petty offences is swelled by 346 cases of misconduct and neglect of police officers. Of those convicted, 829 persons were discharged on the payment of fines, 40 suspended or dismissed from office, and 15 (convicts) flogged. The Magistrate's statement has been prepared according to the old form, and does not contain several necessary items of information.

* Heinous crimes,		432
Apprehended, ...		345
Acquitted, ...	95	
Convicted, ...	180	
Petty offences.		
Apprehended, ...		1567
Acquitted, ...	253	
Convicted, ...	1291	

331. There were but 4 cases of dacoity within the year. There were 104 cases of burglary unattended with aggravating circumstances, for which 73 persons were apprehended and 46 convicted or committed to the Sessions: 66 attempts to commit burglary were reported, but no persons were apprehended on that charge.

332. The number of persons in jail or on bail on the 31st December last, is noted in the margin.*

* In jail, ...	7
On bail, ...	7
	14

333. No suit instituted under Regulation XV. of 1824, was pending in this district on the 1st January 1839.

334. Seven persons were in confinement, on default of security for good conduct, on the 31st December last.

335. The number of appeals preferred from the decisions of the Magistrate in regular trials and in miscellaneous cases, and the results thereof, are noted in the margin.* The results are generally satisfactory. One regular and 25 miscellaneous cases were called for by the Officiating Session Judge on revision of the monthly statements.

* *Criminal trials.*		
Pending of 1837, ...		3
Admitted in 1838, ...		44
		47
Confirmed, ...	31	
Modified or reversed, ...	16	
		47
Miscellaneous cases.		
Preferred, ...		36
Confirmed, ...	30	
Modified or reversed, ...	6	
		36

* Heinous offences,.....	8
Petty ditto, ...	2
Appeals, ...	2
Proceedings from other districts, ...	8
Miscellaneous cases, ...	186

336. The criminal business actually pending in this district on the 31st December last, is noted in the margin.*

MONGHYR.

JOINT MAGISTRATE'S COURT.

* Acquitted,.....	269
Convicted, ...	997
Committed,..... ..	36
Transferred to other jurisdictions, ...	6
Under trial :	
In jail,..... 10	23
On bail, ... 13	
	1331

337. Mr. G. W. Battye was Joint Magistrate of Monghyr during the past year.

338. At the close of the year 1837, there were 21 persons under examination, viz. 3 in jail and 18 on bail or personal recognizance, and 1310 persons were apprehended or summoned during the year 1838, making an aggregate of 1331. These persons were disposed of in the manner noted in the margin.*

* Heinous crimes, ...	421
Apprehended, ...	335
Acquitted, ...	85
Convicted, ...	210
Petty offences,.....	666
Apprehended, ...	975
Acquitted, ...	184
Convicted, ...	787

339. The statements entered in the margin* shows the number of persons apprehended, convicted, and acquitted in "heinous crimes" as well as in "petty offences." The number of crimes and the number of persons apprehended are considerably less than what were exhibited by the statements for 1837, while the proportion between convictions and acquittals is decidedly more favorable. The Court observe these results with satisfaction. The number of persons fined and discharged is 580, and 19 persons were discharged by compromise; 280 police officers were punished for neglect of duty and 137 persons for oppressive conduct.

* In jail, ...	10
On bail, ...	13
	23

340. The number of persons in jail or on bail on the 31st December last, is noted in the the margin.*

341. Six cases were pending under Regulation XV. 1824, in Monghyr, at the close of the year.

342. Five persons were in confinement on default of security for good conduct at the same period.

* *Regular trials.*		
Preferred, ...		74
Confirmed,.....	58	
Modified or reversed, ...	14	
Pending,.....	2	
	—	74
Miscellaneous cases.		
Preferred, ...		18
Confirmed,...	14	
Reversed, ...	4	
	—	18

343. The number of appeals preferred from the decisions of the Joint Magistrate in criminal trials and miscellaneous cases, and the manner in which they were disposed of, are noted in the margin.* Eighteen miscellaneous cases were called for by the Session Judge on revision of the monthly statements. The result of the appeals is creditable to the Joint Magistrate.

* Heinous offences, ...	6
Petty ditto, ...	6
Appeals, ...	7
Proceedings from other districts,.....	46
Miscellaneous cases, ...	80

344. The criminal business actually pending in this Joint Magistracy on the 31st December last, is noted in the margin.* The statement is satisfactory.

SESSIONS COURT.

345. Mr. T. Wyatt officiated as Session Judge during the past year. He was employed 142 days in sessions and criminal duties.

346. At the close of the year 1837, there were 14 persons under trial, 120 persons were committed during the year by the Magisterial authorities of Bhagulpore and Monghyr, and 1 case was sent back to the Sessions Court after reference to the Nizamut Adawlut, making a total of 135 persons. They were disposed of as noted in the margin.* As the commitments were made by several officers, the Session Judge submits the following statement to shew the results of the commitments made by each.

* Acquitted, ...	42
Convicted, ...	70
Referred to Nizamut Adawlut, ...	18
Commitments annulled,	1
Died.....	1
Under trial, ...	3
	135

Names of Officers.	Number of cases.	Number of Prisoners.	Convicted.	Acquitted.	Referred to the Nizamut Adawlut.	Pending on the 31st December 1838.
Bhagulpore.						
Mr. H. F. James was Acting Magistrate from 1st January to 10th December 1838, and made these commitments,...	24	37	24	11	0	1 annulled. 1 dead.
Mr. H. C. Bagge ditto, from 11th to 31st ditto, ditto,.....	6	34	16	17	0	1
Ditto Acting Joint Magistrate from 1st January to 10th December 1838, ...	7	13	9	3	1	0
Total,.....	37	84	49	31	1	3
Monghyr.						
Mr. G. W. Battye, Joint Magistrate for the whole period,	13	28	16	11	1	0
Mr. R. H. Hodgson, Special Joint Magistrate from 1st January to 16th October 1838, ...	5	7	3	0	4	0
Mr. E. Latour, ditto ditto, from 13th November to 31st December 1838, ...	2	2	0	0	0	2
Total,.....	20	37	19	11	5	2

It appears from the foregoing that the results are most creditable to Mr. James, and least so to Mr. Bagge, although, in cases finally disposed of by himself the ratio of convictions is very high, leading, so far as an opinion can be formed from numerical statements, to a probable conclusion that many persons have been convicted by him upon insufficient evidence.* The Officiating Magistrate was considered to have acted properly in making the commitment which was annulled by Mr. Wyatt.

* See the Appendix.

347. Eight cases were called for on revision of the monthly statements or by precept on appeal, and disposed of during the year. In three instances the sentence

passed by the Session Judge was annulled; in three others, confirmed; and in two cases enhanced from 10 to 14 years' imprisonment.

348 Nine prisoners were under reference to the Nizamut Adawlut at the close of the year 1837, and 18 were referred in the year 1838, making a total of 27, all of whom were convicted.

349. The following is an abstract of the sentences passed on the prisoners convicted in Bhagulpore and Monghyr during the year 1838:

By the Nizamut Adawlut.

Imprisonment for life,		5
„	14 years,	3
„	10 ditto,	2
„	7 ditto,	15
„	5 ditto,	1
„	1 ditto,	1
		27

By the Session Judge.

Imprisonment for	7 years and upwards,	14
„	3 years and upwards,	39
„	1 ditto and upwards,	16
„	less than 1 year,	1
		70

By the Magistrate of Bhagulpore and his Assistants.

Imprisonment for 6 months and not exceeeing 3 years,	106
Less than 6 months,	468
Fined,	829
Required to furnish security,	13
Dismissed and suspended from office,	40
Flogged (convicts,)	15
	1471

By the Joint Magistrate of Monghyr and his subordinates.

Imprisonment for 6 months and not exceeding 3 years,	181
Less than 6 months,	211
Fined,	580
Required to give security,	7
Dismissed and suspended from office,	18
	997

GENERAL REMARKS.

350. The statements were submitted by the Session Judge, Mr. Lee Warner, with a report on the proceedings of the year. The Court consider the districts to have been in an efficient state under the administration of Messrs. James and Battye. Mr. Wyatt also conducted his duties in a satisfactory manner, except towards the close of the year, when the Court had occasion to remark a falling off from his usual attention and carefulness.

Zillah Dinagepore.

MAGISTRATE'S COURT.

351. Mr. E. Bentall was Magistrate of this district from 1st January to 16th March, and from 2d April to 13th August, and again from 23d August to 7th November.

Mr. Hampton from 16th March to 1st April.

Mr. A. G. Macdonald from 7th November to the end of the year.

352. At the close of the year 1837, there were no persons under trial: 1494 persons were apprehended or summoned during the year 1838, and were disposed of as noted in the margin.* The Court observe that the number committed should have been entered in the Magistrate's statement as 135, (see paragraph 369.) The number (8) whose commitments were annulled and upon whom sentence was subsequently passed by the Magistrate, should have been included in the number of committed prisoners, and the sentence of the Magistrate, subsequently passed upon them, shewn in a note.

* Acquitted,		300
Convicted,		1045
Committed,		127
Transferred to other jurisdictions,		4
Under trial:		
In jail,	17	18
On bail,	1	
		1494

353. The marginal statement* exhibits the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences:" 231 persons were punished for neglect of duty. The returns are considered satisfactory with regard to the proportion of convictions to acquittals; but the number of thefts and burglaries continues to be very large. Five persons were discharged in consequence of Razeenamehs having been filed.

* Heinous crimes,		1788
Apprehended,		572
Acquitted,	181	
Convicted,	254	
Petty offences,		865
Apprehended,		922
Acquitted,	119	
Convicted,	790	

354. The number of persons in jail and on bail on the 31st December last, is noted in the margin.*

* In jail,	17
On bail,	1
	18

355. No cases were pending under Regulation XV. of 1824.

356. Twenty-six persons were in confinement, in default of security for good conduct, at the close of the year.

* *Criminal trials.*

Pending of 1837,...	6	
Preferred in 1838, ...	44	
		50
Confirmed,.....	25	
Reversed, ...	23	
Pending, ...	2	
		50
Miscellaneous cases.		
Preferred, ...		13
Confirmed,.....	4	
Reversed, ...	7	
Pending,.....	2	
		13

357. The number of appeals preferred from the decisions of the Magistrate in criminal trials, and in miscellaneous cases, and the result thereof, are noted in the margin.* The number of orders modified or reversed is large.

* Heinous offences, ...	4
Petty ditto, ...	83
Appeals,.....	1

358. The criminal business actually pending in this district on the 31st December 1838, is noted in the margin.*

MALDA.
JOINT MAGISTRACY.

359. Mr. A. Sconce was Joint Magistrate throughout the year 1838.

* Acquitted,.....		238
Convicted, ...		334
Committed, ...		103
Died,.....		2
Escaped, ...		1
Transferred to other jurisdictions, ...		6
Under trial :		
In jail, ...	15	24
On bail, ...	9	
		708

360. At the close of the year 1837, there were 3 persons under examination, viz. 1 in jail, and 2 on bail or personal recognizance, and 705 perons were apprehended or summoned during the year, making a total of 708. These persons were disposed of in the manner noted in the margin.*

* Heinous crimes, ...		175
Apprehended, ...		344
Acquitted, ...	128	
Convicted, ...	98	
Petty offences,.....		192
Apprehended, ...		361
Acquitted, ...	110	
Convicted, ...	236	

361. The number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences," is entered in the margin.* Taking into account the number of commitments, the results are satisfactory. The Court observe that the number (361) of persons apprehended in petty offences is far short of the number (950) apprehended in cases of the same character in the preceding year 1837. The statement in the margin in a great measure explains the numerical difference; but some explanation of the cause of the decrease should have been afforded, especially with regard to the two last mentioned offences in the statement.

Nature of offences.	Number apprehended.	
	1837.	1838.
Assaults, ...	193	109
Neglect of duty, ...	107	68
Petty affrays, ...	160	38
Lifting crop,.....	401	6
Total,.....	861	221

362. Eighteen persons were discharged in consequence of Razeenamehs having been filed, and 4 from non-attendance of prosecutors.

* In jail,.....	15
On bail, ...	9
	24

363. The number of persons under examination in jail and on bail on the 31st December last, is noted in the margin.*

364. No cases were pending under Regulation XV. of 1824, on the 31st December last, nor does it appear that the provisions of that Regulation were resorted to in any instance for the settlement of disputes for land.

365. Four persons were in confinement, in default of security for good conduct, at the close of the year.

366. The number of appeals preferred from the orders of the Joint Magistrate in criminal trials, and also in miscellaneous cases, and the result thereof, are noted in the margin.* The proportion of reversals is large.

* *Regular trials.*

Pending of 1837,		23
Preferred in 1838,		23
		46
Confirmed,	25	
Reversed,	20	
Pending,	1	
		46

Miscellaneous cases.

Preferred,		5
Confirmed,	2	
Reversed,	3	
		5

367. The criminal business actually pending in this Joint Magistracy at the close of the year, is noted in the margin.*

* Heinous offences, ... 2
Petty ditto, ... 28
Proceedings from other districts, ... 7
Miscellaneous cases, ... 3

368. Mr. C. Mackay, Sudder Ameen, was in charge of the current duties of the Session Judge's office from 1st January to 5th February, when the Honorable R. Forbes joined his appointment, and continued in it to the close of the year.

SESSIONS* COURT.

369. At the close of the year 1837, there were 10 persons under trial on commitment by the Magistrate of Dinagepore, and 135 were committed during 1838, making a total of 145. These persons were disposed of as noted in the margin.* The proportion of acquittals is very large.

* Acquitted,	51
Convicted,	72
Referred to the Nizamut Adawlut,	10
Commitments annulled,	9
Escaped,	1
Under trial,	2
	145

370. There were 10 persons under trial at the close of 1837 on commitment by the Joint Magistrate of Malda, and 103 persons were committed during 1838, making a total of 113. They were disposed of as noted in the margin.* The statement calls for no particular remarks.

* Acquitted,	26
Convicted,	76
Referred to Nizamut Adawlut,	6
Commitments annulled,	1
Under trial,	4
	113

371. Five cases were called for at the English sittings of the Court, or by precept on appeal. In one case the sentence passed by the Session Judge was annulled, and the prisoners ordered to be released. In one case the Session Judge's sentence was mitigated, and in another enhanced from 5 to 10 years' imprisonment. In the 4th case the order passed by the Session Judge was confirmed, and the remaining case was not revised by the Court, as the prisoner died before the proceedings were received.

372. Forty-nine prisoners were under reference to this Court at the close of 1837. The number referred in 1838 was 16,* making a total of 65. They were disposed of as noted in the margin.†

NIZAMUT ADAWLUT.

* Dinagepore,	10
Malda,	6
	16
† Acquitted,	28
Convicted,	31
Died,	2
Under trial,	4
	65

373. The following is an abstract of the sentences passed on the prisoners convicted in the districts of Dinagepore and Malda during the year 1838.

By the Nizamut Adawlut.

Death,	2
Imprisonment for life,	10
Imprisonment for 14 years,	16
" 7 ditto,	2
" 5 ditto,	1
	31

By the Session Judge.

Imprisonment for 14 years and upwards,	.....	1
„ 7 years and upwards,	.....	81
„ 3 years and upwards,	.....	66
		148

By the Magistrate of Dinagepore and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	...	211
Less than 6 months,	.....	340
Fined,	.....	456
Required to furnish security,	.....	38
		1045

By the Joint Magistrate of Malda and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	...	75
Less than 6 months,	.....	45
Fined,	.....	191
Required to furnish security,	.....	8
Dismissed from office,	.....	15
		334

GENERAL REMARKS.

374. The statements were forwarded by the Sudder Ameen in charge of the office, and consequently the Court have received no report upon the manner in which the duties of the criminal courts were conducted. The periodical statements, as well as the correspondence addressed to the Court, during the year 1838, both by the Session Judge and Magistrate, evince that every attention was paid by them to their duties, though frequent differences of opinion led to references and lengthened correspondence, and thence to the occupation of valuable time, which might have more beneficially been devoted to other objects. The Court on the whole, however, have great reason to be satisfied with the manner in which the duties of the Magistrate's and Judge's courts were discharged by Mr. Bentall and the Hon'ble R. Forbes, both of whom have since left the district and proceeded to Europe.

Zillah Moorshedabad.

375. Mr. W. H. Elliott was Magistrate of this district during the past year.

376. At the close of the year 1837, there were 150 persons under examination, viz. 63 in jail and 87 on bail or personal recognizance, and 1886 persons were apprehended, or summoned during the year 1838, making a total of 2036. These persons were disposed of in the manner noted in the margin.*

MAGISTRATE'S COURT.

* Acquitted,		567
Convicted,		1302
Committed,		72
Died,		7
Escaped,		7
Transferred to other jurisdictions,		20
Under trial:		
In jail,	21	58
On bail,	37	
		2036

377. The statement entered in the margin* shows the number of persons who were summoned or apprehended charged with heinous or petty offences, the number convicted and punished, and the number acquitted. The Court observe that 243 persons were punished for neglect of duty, 204 for contempt of court, and 219 as being bad characters. The proportion of convictions to acquittals in petty offences, cannot be considered very satisfactory, with reference to the foregoing observations, though it is so with reference to heinous crimes. "The commitments," observes the Session Judge, "have generally been made with judgment. I have not had reason to find any fault with them." But the Court had reason, when revising the jail delivery statements, to differ from the Session Judge in a few instances.

* Heinous crimes,		207
Apprehended,		402
Convicted,	207	
Acquitted,	159	
Petty offences,		757
Apprehended,		1484
Convicted,	1095	
Acquitted,	408	

378. Thirty-four persons were discharged in consequence of Razeenamehs being filed, and 13 on account of non-attendance of prosecutors. The number of persons who were dismissed with reprimands, is not given.

379. The number of reported cases of dacoity and burglary is very small; and the Session Judge remarks that "dacoity attended with aggravating circumstances, has so much decreased as to be hardly known."

380. The number of persons under examination on the 31st December 1838, is shown in the margin.* No note has been given why persons charged with bailable offences have not been held to bail.

* In jail,	21
On bail,	37

381. No cases under Regulation XV. of 1824, were pending in this district at the close of the year.

382. Two hundred and thirty-one persons were in confinement on the 1st January 1839, in default of security for good conduct. The Court have been in correspondence with the local authorities on the subject of the large number of persons detained in custody on requisition of security; the result will be noticed below.

383. The number of appeals preferred from the orders of the Magistrate in regular trials and miscellaneous cases, and the manner in which the appeals were disposed of, are shown in the margin.* The appeals are rather numerous, though only 3 cases were called for by the Session Judge on revision of the monthly statements; but the result is satisfactory.

* *Regular trials.*		
Pending of 1837,		8
Preferred in 1838,		142
		150
Confirmed,	104	
Reversed or modified,	31	
Pending,	15	
		150
Miscellaneous cases.		
Preferred,		2
Confirmed,	1	
Pending,	1	
		2

* Heinous offences, ...	4
Petty ditto, ...	26

384. The criminal business actually pending in the district on the 31st December last, is noted in the margin.*

SESSIONS COURT.

385. Mr. F. W. Russell was Session Judge of the district throughout the year—105 days were devoted by him to the disposal of criminal business.

* Acquitted, ...	9
Convicted, ...	49
Referred to Nizamut Adawlut, ...	13
Died, ...	1
Under trial, ...	3
	75

386. At the close of the year 1837, there were 2 persons under trial at Moorshedabad, 72 persons were committed during the year, and the case of one person was sent back to the Sessions Court after reference to the Nizamut Adawlut, making a total of 75 persons under trial. These persons were disposed of in the manner indicated in the margin.* The large number of convictions is creditable to the judgment of the Magistrate.

387. Four cases including 20 prisoners, called for at the English sittings on revision of the monthly statements or by precept on appeal, were disposed of during the year. The sentence passed by the Session Judge were annulled, in regard to 2 prisoners, mitigated in regard to 14, and confirmed in regard to 4.

* Acquitted, ...	1
Convicted, ...	3
Sent back, ...	1
Pending, ...	9
	14

388. One prisoner was under reference to the Nizamut Adawlut at the close of the year 1837, and the number referred in 1838 was 13, making a total of 14. They were disposed of in the manner noted in the margin.*

389. The following is an abstract of the sentences passed upon the prisoners convicted in this district during the year 1838:

By the Nizamut Adawlut.

Imprisonment for life, ...	3

By the Sessions Court.

Imprisonment for 14 years, ...	3
" 7 ditto, ...	27
" 3 ditto and upwards, ...	17
" 1 ditto and upwards, ...	2
	49

By the Magistrate and his Assistants.

Imprisonment for 6 months and not exceeding 3 years, ...	250
Less than 6 months, ...	508
Fined, ...	324
Required to furnish security, ...	220
	1302

GENERAL REMARKS.

390. The statements were submitted by Mr. Russell, with a report in which the Court have vainly looked for information regarding the state of the district and the proceedings of the Magistrate during the past year. On the subject of the extent of crime, Mr. Elliott reports as follows:—" You will observe a very great decrease in the number of Dacoities committed during the past year as compared with 1837, in which were 29 perpetrated and 4 attempted, whereas in 1838, 18 only have been perpetrated and 6 attempted, being just one-third less; most of these cases have been of a very trifling nature, and one only attended with any aggravating circumstances. In that, above 10,000 Rupees' worth of property was plundered, and a Police burkundauze nearly killed—above 4,000 Rupees' worth of property was recovered, and three of the ringleaders have been sentenced to ten years' imprisonment. In this case, though grieved by the misconduct of the thannah amlah, I had great pleasure in recording the highly praiseworthy exertions of Seebnarain Bose, nazir, Ramdhun Mundul, Baulogostee darogah, and Kassee Sing, burkundauze, regarding whom a report has been made to the Superintendent of Police, and they will, I hope, be suitably rewarded by Government." The Magistrate, the Court have reason to know, has been very active in visiting the different parts of his jurisdiction: such tours cannot but tend to keep the police officers on the alert, and to encourage the people to bring to his notice any grievances or irregularities which they may have to complain of.

391. Some complaints were preferred during the year against the proceedings of Mr. Elliott. The inquiries instituted into them by the Court have afforded ground for concluding that Mr. Elliott in some cases exceeded the powers committed to him.

392. The attention of the Court was attracted, in the course of revising the Magistrate's monthly statements, to the large number of persons in confinement in default of security for good conduct, and to the circumstance of a number having been imprisoned with a view to an examination into their character. The Court observed that this was an unsatisfactory state of things, and that it was questionable whether any necessity existed for incarcerating so many individuals against whom no specific offence had been proved. The Magistrate submitted the following explanations, which the Court considered satisfactory, though they regretted that there should be a necessity for keeping so many persons in duress for the security of the community, and at the same time expressed a hope that the improved state of the police would in a short time justify the release of a number of those who are at present subjected to restraint. " I would now beg to submit a few remarks on the observations of the Superior Court, that the state of things in this district is very unsatisfactory, and that they cannot but question the necessity of my having so many persons confined on requisition of security. I must sincerely hope and would respectfully entreat that the blame of all that is wrong in this district may not be laid to my charge. On my appointment to this Zillah I was told that I had assigned to me the arduous task of re-organizing a thoroughly inefficient police, and of bringing into order a district in which life and property were notoriously and most lamentably insecure. No language can be stronger than

that of the Secretary to Government in his remarks on the state of this district at the end of 1836, just before I took charge of it. 'The returns,' he says, 'denote a state of things, which, it may be safely affirmed, has no parallel in any other Zillah under this Presidency: dacoity, highway robbery, and affray, appear to have been committed with impunity; for notwithstanding the extreme prevalence of crime, three persons only have been convicted by the Session Judge or the Nizamut Adawlut,' &c. &c. My very worst anticipations have, I regret to say, been more than realized. I have found the police not inefficient only, but more corrupt than any I have before known, and more leagued with evil disposed persons than I imagined even Bengallee police could be. Vigilance in preventing crime, and activity and intelligence in the pursuit and conviction of criminals, appear never to have been amongst the qualifications sought for in the police of this Zillah. *He* seems to have been regarded as the best darogah from whose thannah the smallest number of crimes were reported; and the old police have attained to such proficiency in the art of concealment, that my chief difficulty has been to obtain intelligence of what occurs in the interior of the district. I would beg you to notice further the result of the apprehensions in former years. In the very month before I arrived, (February 1837,) I was not a little startled to find—convictions 23, acquittals 178. In the year 1835, 193 dakoits were seized, of whom 13 were convicted; in 1836, seized 183, convicted 8: total seized in two years 356, total convicted 21. In the fourteen months I have been here, 145 dakoits have been seized, of whom 39 have been sentenced by the Sessions Court, and 10 more will, I hope, shortly have the same fate. The former rate of convictions being as one to 17, the latter as one to 3. The amount of property recovered in dacoity cases in the years 1835 and 1836 was 578-8; and since my arrival, from a somewhat smaller amount of plunder, 4,282-7. In miscellaneous cases there were formerly from 10 to 20 convictions in 100 apprehensions; there have lately been from 65 to 80 per cent. This brief sketch may give some faint idea of the state of the district with which I have to do. Shortly after my arrival I was assailed by constant reports of concealed dacoities, (to which I took occasion to advert in my report on the first six months of 1837,) which personal investigation on the spot proved to be too true: but, on reaching the spot 20 or 40 days after the occurrence, I of course could not hope to seize any culprits or plundered property. I found not a month pass without 2 or 3 dacoities. In January last 4 were reported, and 4 more in February; besides which, as I shortly afterwards discovered, two were concealed. 'This dreadful state of affairs clearly indicated the necessity of applying some active remedy. I had done all I could with the police and the zemindars, but with little benefit. I had frequently heard from respectable natives that dacoities had been almost stopped, and that the zillah was never in such order as when Mr. Joint Magistrate Battye confined all the bad characters; and as the perpetrators of the dacoities constantly occurring were commonly spoken of as well known to every one in their respective villages, it only remained for me to decide whether I should fill my Hajut and endeavour to stop dacoity, or whether I should remain a quiet spectator of the plunder going on amongst the people committed to my charge. I determined to adopt the former course, which has, I am thankful to say, been attended with the most beneficial effect; for during nearly three months, in a time of unexampled drought, dacoities have almost ceased. Had the crime gone on at its wonted rate, I should have had to report 12 or 14 dacoities; instead of which, two only have occurred, and one of these was so very petty as rather to

deserve the title of theft: and if, as I hope, the propriety of their seizure be tested by the effect which my imprisoning of bad characters has produced throughout the district, I need not doubt that my orders will be upheld.

"With regard to these orders I beg to solicit your special attention, *first*, to the fact that I have not resorted to this extreme remedy till every other method of stopping dacoity had failed; *secondly*, to the fact that a great number of those now in jail on requisition of security were originally seized on a charge of dacoity, from which I released, *not acquitted*, them, from a deficiency of legal evidence, but without the smallest doubt of their guilt; *thirdly*, to the manner in which I have conducted and am conducting the investigation of these cases. I have personally visited the places most famous for dacoits, and have seized only those men regarding whom whole villages have told me that they are the curse of the country. I have then had each man's character investigated by the police, and the witnesses sent up to my court; after which I have called for the witnesses named by the defendant: and you will find scarcely a man in jail whose evil habits have not been proved by the witnesses for the defence as well as those for the prosecution, and regarding whom I have not myself heard a very bad report from his neighbours. Without going into the interior you can hardly form an idea of the delight with which these seizures have been regarded by all decent people, or of the frequency with which I have heard the very expressive words: 'Now we shall be able to sleep at night.' *Fourthly*, I beg to point out that the number of those men in jail is, comparatively speaking, very small. It can hardly be expected that 37 thannahs will not contain more wicked men than 7, or that in a population of two millions, there will not be more robbers than amongst 20,000. I have shown that, in the two years 1835 and 1836, about 330 men seized as dacoits were set at large, and during that period at least 1,500 men were concerned in dacoities; and the number of actual dacoits and professional robbers now at large, must amount to very many thousands. Of these I wish to imprison about 400. Surely the proportion is very small, and the good effected almost incalculable."

Zillah Purneah.

393. Mr. F. E. Read was Magistrate of Purneah from 1st to 8th January, Mr. G. G. Mackintosh from that date to the 7th July, and Mr. T. C. Davidson to the end of the year. MAGISTRATE'S COURT.

394. At the close of the year 1837, there were 39 persons under examination, viz. 7 in jail and 32 on bail or personal recognizance, and 1360 persons were apprehended or summoned during the year 1838, making a total of 1399. These persons were disposed of in the manner noted in the margin.*

* Acquitted,		439
Convicted,		820
Committed,		113
Died,		3
Escaped,		1
Under trial:		
In jail,	9	28
On bail,	14	
		1399

* Heinous crimes,...		475
Apprehended, ...		369
Acquitted, ...	140	
Convicted, ...	133	
Petty offences, ...		493
Apprehended, ...		991
Acquitted, ...	299	
Convicted, ...	687	

395. The statement in the margin* shows the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." The results are generally satisfactory. The Court observe that 90 persons were punished for neglect of duty; and that there is no note of the number discharged with a reprimand.

396. The statements exhibit 253 reported cases of burglary and 33 attempts to commit burglary. Few of these could have been inquired into by the police, as only 36 persons were apprehended for the former crime and none for the latter. Cases of dacoity, (8 in number,) appear to have been carefully investigated.

* In jail, ...	9
On bail, ...	14
	23

397. The number of persons in jail and on bail on the 31st December last, is noted in the margin.*

398. One case instituted under the provisions of Regulation XV. of 1824, was pending at the close of the year.

399. Twenty-one persons were in confinement in default of security for good conduct, at the same period. The cases of 23 prisoners were revised during the year by the Session Judge.

* *Criminal trials.*		
Pending of 1837,.....		9
Preferred in 1838, ...		27
		36
Confirmed, ...	23	
Reversed,.....	11	
Pending, ...	2	
		36

400. The number of appeals preferred from the decisions of the Magistrate in criminal trials, and the manner in which they were disposed of, are noted in the margin.* The result is satisfactory. The Session Judge observes with regard to the reversals: "several of these were only slightly modified; and I have generally had reason to be satisfied with the manner in which the business of the lower courts has been conducted."

* Heinous offences, ...	6
Petty ditto, ...	7
Appeals, ...	42
Proceedings from other districts, ...	10
Miscellaneous cases, ...	279

401. The criminal business actually pending in this district on the 31st December last, is noted in the margin.* The number of appeals from the Magistrate's subordinates is very large.

SESSIONS COURT.

402. Mr. G. G. Mackintosh was in charge of the current duties of the Sessions Court from 1st January to 21st February, when Mr. J. F. Cathcart took charge of the district, and continued in it to the close of the year. He devoted 104 days to sessions duties.

* Acquitted,.....	25
Convicted, ...	132
Referred to Nizamut Adawlut, ...	23
Commitments annulled,	1
Died,.....	2
	183

403. At the close of the year 1837, there were 69 persons under trial, 113 persons were committed during the year, and 1 received back after reference to the Nizamut Adawlut, making a total of 183. These persons were disposed of as noted in the margin.*

404. Six cases were called for at the English sittings of the Court or by precept on appeal, and two cases, called for in the preceding year, were pending on the 1st January 1839. In one instance the orders of the Session Judge were annulled and the prisoners ordered to be released. In two cases the sentence of the Session Judge was confirmed, and in 4 others enhanced—one case remained undisposed of at the close of the year.

405. The cases of 23 prisoners were referred to the Nizamut Adawlut during the period under review, and they were disposed of as noted in the margin.*

* Acquitted,	14
Convicted,	2
Sent back,	1
Under trial,	6
	23

406. The following is an abstract of the sentences passed on the prisoners convicted in the district of Purneah during the year 1838 :

By the Nizamut Adawlut.

Death,	2

By the Session Judge.

Imprisonment for 14 years and upwards,	2
" 7 years and upwards,	56
" 3 years and upwards,	61
" 1 year and ditto,	13
	132

By the Magistrate and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	123
Less than 6 months,	243
Fined,	440
Required to furnish security,	11
Corporal punishment,	1
Discharged from employ,	2
	820

GENERAL REMARKS.

407. There is no material variation in regard to the state of crime in the district. There were 15 cases of murder, 5 of homicide, and 5 of dacoity with murder or wounding. The Session Judge expresses a hope, that three public executions which have lately taken place, may have a salutary effect.

408. The Court have reason to be satisfied with the manner in which the officers who were in charge of the district during the year, have performed their duties, as also with Mr. Cathcart's administration of the duties of the Sessions Court.

Zillah Rajshahye.

MAGISTRATE'S COURT.

409. Three officers were in charge of the Magistrate's office during the past year, viz. Mr. W. M. Dirom from 1st to 31st January; Mr. C. J. H. Graham from 1st February to 6th March; Mr. D. Pringle from 7th March to 1st August; and Mr. Dirom again from that date to the end of the year.

* Acquitted,		529
Convicted,		838
Committed,		112
Died,		3
Escaped,		1
Transferred to other jurisdictions,		3
Under trial:		
In jail,	13	73
On bail,	60	
		1559

410. At the close of the year 1837, there were 19 persons under examination on bail or personal recognizance, and 1,540 persons were apprehended or summoned during the year, making a total of 1,559. These persons were disposed of as noted in the margin.*

* Heinous crimes,		316
Apprehended,		346
Acquitted,	149	
Convicted,	70	
Petty offences,		282
Apprehended,		1194
Acquitted,	380	
Convicted,	768	

411. The statement entered in the margin* shows the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." These results can hardly be considered satisfactory with regard to heinous crimes, even taking into consideration the number of commitments. The Court remark that 286 persons were punished for neglect of duty, and 50 discharged on compromises. It appears, from the detail of miscellaneous offences in the Magistrate's statement, that 1 prisoner was punished for perjury by some subordinate officer. An explanation of the matter will be called for.

412. There were 31 dacoities and 55 burglaries reported within the year. A great number of persons appear to have been apprehended without grounds under the former charge, while the latter offence and 99 attempts to commit both crimes passed almost without enquiry.

* In jail,	13
On bail,	67
	70

413. The number of persons in jail or on bail on the 31st December last, is noted in the margin.*

414. No case was pending in this district on the 31st December last, under the provisions of Regulation XV. of 1824.

415. Sixteen persons were in confinement, in default of security for good conduct, at the close of the year.

* *Criminal Trials.*		
Pending of 1837,		1
Preferred in 1838,		53
		54
Confirmed,	43	
Reversed,	11	
		54
Miscellaneous cases.		
Pending of 1837,		3
Preferred in 1838,		7
		10
Confirmed,	4	
Reversed,	1	
Pending,	5	
		10

416. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate of Rajshahye in criminal trials and in cases of a miscellaneous nature, and the manner in which they were disposed of, are noted in the margin.* The results are satisfactory.

* Heinous offences,	4
Petty ditto,	79
Appeals,	2
Proceedings from other districts,	32
Miscellaneous cases,	40

417. The criminal business actually pending in this district on the 31st December last, is noted in the margin.* The statement calls for no particular remarks.

PUBNA.

JOINT MAGISTRACY.

418. Mr. W. J. Allen officiated as Joint Magistrate of Pubna during the past year.

419. At the close of the year 1837, there were 84 persons under trial, viz. 13 in jail and 71 on bail or personal recognizance, and 1,521 persons were apprehended or summoned during the year, making a total of 1,605. These persons were disposed of in the manner noted in the margin.*

* Acquitted, ...		456
Convicted, ...		946
Committed, ...		112
Died, ...		2
Escaped, ...		5
Transferred to other jurisdictions, ...		8
Under trial:		
In jail, ...	29	76
On bail, ...	47	
		1605

420. The marginal statement exhibits the number of persons apprehended, convicted and acquitted in "heinous crimes" as well as in "petty offences." The proportion of convictions to acquittals, in both descriptions of offences, is satisfactory; 172 persons were punished for neglect of duty. The number of persons discharged after being reprimanded is not noted.

* Heinous crimes,...		624
Apprehended, ...		420
Acquitted, ...	148	
Convicted, ...	148	
Petty offences, ...		1471
Apprehended, ...		1101
Acquitted, ...	308	
Convicted, ...	798	

421. There were 314 reported burglaries and 130 attempts at burglary; but only 59 persons were apprehended on those charges, and of that number 18 were acquitted.

422. The number of persons in jail or on bail on the 31st December last, is noted in the margin.*

* In jail, ...	29
On bail, ...	47
	76

423. Two cases instituted under Regulation XV. of 1824, were pending in this district at the close of the year.

424. Twenty-five persons were confined, in default of security for good conduct, at the close of the year.

425. The number of appeals preferred from the decisions of the Joint Magistrate in criminal trials and miscellaneous cases, and the result thereof, are noted in the margin.* The number of reversals is considerable, especially when it is considered that about one-third of the number stated as confirmed, was struck off on default: 36 cases were called for by the Session Judge on revision of the monthly statements.

* *Criminal trials.*		
Pending of 1837, ...		7
Preferred in 1838, ...		114
		121
Confirmed, ...	73	
Reversed, ...	47	
Pending, ...	1	
		— 121
Miscellaneous cases.		
Preferred, ...		29
Committed, ...	17	
Reversed, ...	5	
Pending, ...	7	
		— 29

426. The criminal business pending in the district at the close of the year, is given in the margin*. The number of miscellaneous cases is considerable.

* Heinous offences, ...	9
Petty ditto, ...	21
Appeals, ...	15
Miscellaneous cases, ...	379

SESSIONS COURT.

427. Mr. R. Barlow was Session Judge from 1st January to 1st February; Mr. W. A. Pringle from the 15th March to the 15th October, and Mr. A. Smelt from that date to the end of the year. Messrs C. J. H. Graham and D. Pringle were successively in charge of the current duties between the 2d February and 15th March.

* Acquitted,	16
Convicted,	25
Referred to Nizamut Adawlut,	5
Commitments annulled,	1
Died,	1
Under trial,	64
	112

428. At the close of the year 1837, there were no persons under trial on commitment by the Magistrate of Rajshahye: 112 were committed in the year 1838, and were disposed of as noted in the margin.*

* Acquitted,	55
Convicted,	53
Referred,	17
Died,	1
Under trial,	37
	163

429. At the close of the year 1837, there were 51 persons under trial on commitment by the Joint Magistrate of Pubna, and 112 were committed in the year 1838, making a total of 163. These persons were disposed of in the manner noted in the margin.* The number of acquittals is very large, but the Court observes that on an examination of the proceedings, they saw reason to conclude that Mr. Allen had acted on sufficient grounds in committing 20 persons who were charged with affray attended with homicide, and 12 others who were charged with burglary and receiving stolen property, although the Session Judge considered the evidence in both cases to be insufficient for conviction.

430. One trial was called for at the English sittings during the year: the sentence of the Session Judge was not disturbed.

* Acquitted,	6
Convicted,	5
Pending,	11
	22

431. No prisoners were under reference to this Court from Rajshahye and Pubna at the close of the year 1837. The number referred in 1838 was 22, and the cases were disposed of as noted in the margin.*

432. The following is an abstract of the sentences passed on the prisoners convicted in the district of Rajshahye and the Joint Magistracy of Pubna during the year 1838:

By the Nizamut Adawlut.

Death,	5

By the Session Judge.

Imprisonment for 14 years and upwards,	9
" 7 years and upwards,	48
" 3 years and upwards,	5
" 1 year and upwards,	15
" less than one year,	1
	78

By the Magistrate of Rajshahye and his Assistants.

Imprisonment for one year and not exceeding 3 years,	34
For 6 months and upwards,	40
Less than 6 months,	278
Fined,	453
Required to furnish security,	33
	838

By the Joint Magistrate of Pubna.

Imprisonment for 6 months and not exceeding 3 years,.....	141
Less than six months,.....	501
Fined, ...	277
Required to furnish security,.....	27
	946

GENERAL REMARKS.

433. The state of crime both in Rajshahye and Pubna continues without any material alteration. In the former district, the Magistrate, being relieved from fiscal duties, is able to apply himself with more effect to the detection and punishment of criminals. But the officer in charge of the latter is unable, in consequence of his other engagements, to pay an equal attention to magisterial duties. The Court are generally satisfied with the manner in which Mr. Allen has performed his duties, allowances being made for occasional irregularities, attributable to insufficient experience. But the state of the district evidently requires the exercise of the utmost energy and vigour for the effectual prevention of crime. The Court are in consequence induced to reiterate their opinion of the absolute necessity of separating the magisterial and fiscal functions, to provide for the peace of the district.

Zillah Rungpore.

MAGISTRATE'S COURT.

434. Mr. H. C. Metcalfe was the Magistrate of this district from 1st January to 10th October, when, being obliged to leave the place on account of ill health, he made over charge of the office to the Sudder Ameen, Mueenooddeen Sufdur. On the 17th November Mr. T. Dick took charge of the Magistracy, and continued in it to the close of the year.

435. At the close of the year 1837, there were 6 persons under trial on bail or personal recognizance, and 1658 persons were apprehended or summoned during the year 1838, making a total of 1664. These persons were disposed of in the mode noted in the margin.*

* Acquitted, ...		209
Convicted, ...		1279
Committed, ...		130
Died, ...		2
Transferred to other jurisdictions, ...		10
Under trial:		
In jail, ...	19	34
On bail, ...	15	
		1664

436. The statements noted in the margin* exhibit the number of persons that have been apprehended, acquitted, and convicted by the Magistrate and his Assistants in "heinous crimes" as well as in "petty offences." These results are very satisfactory. 539 persons were punished for petty assaults, and 79 for neglect of duty. The remarks made in the Report for 1837 on the state of this district, are still applicable. The amount of crime appears to be diminishing.

* Heinous crimes,...		333
Apprehended, ...		553
Convicted,.....	335	
Acquitted, ...	79	
Petty offences, ...		581
Apprehended, ...		1105
Acquitted,.....	130	
Convicted,.....	944	

* In jail,	19
On bail,	15
	34

437. The number of persons in jail or on bail on the 31st December last, is noted in the margin,* and of them none is stated to have been in attendance beyond three months. "This circumstance," observes the Session Judge, "is considered highly creditable to the Officiating Magistrate, Mr. Dick, who joined only on 17th November, and had to dispose of the large accumulation of arrears, which had sprung up in consequence of the absence of the Magistrate from the district from 10th October to 16th November 1838."

438. Two cases were pending in the district under Regulation XV. of 1824, on the 31st December last.

439. Fourteen persons were in confinement, in default of security for good conduct, on the same date.

* *Criminal trials.*	
Pending of 1837,	2
Preferred in 1838,	72
	74
Confirmed,	46
Modified or reversed,	26
Pending,	2
	74
Miscellaneous cases.	
Preferred in 1838,	16
Confirmed,	12
Reversed,	3
Pending,	1
	16

440. The number of appeals preferred from the decisions of the Magistrate in criminal trials, and also in cases of a miscellaneous nature, and the manner of their disposal, are noted in the margin.* The number of reversals is considerable. Only 3 cases were called for on revision of the Magistrate's monthly statements.

* Heinous offences,	5
Petty ditto,	159
Appeals,	6
Proceedings from other districts,	6
Miscellaneous cases,	16
	192

441. The criminal business actually pending in this district on the 31st December last, is noted in the margin.*

BOGRA.
JOINT MAGISTRACY.

442. Mr. W. A. Law was the Joint Magistrate of Bogra during the past year.

* Acquitted,	111
Convicted,	203
Committed,	12
Escaped,	1
Under trial:	
In jail, 6	22
On bail, 16	
	349

443. At the close of the year 1837, there was one person under trial on bail, and 348 persons were apprehended or summoned during the year 1838, making a total of 349. These persons were disposed of in the manner noted in the margin.*

* Heinous crimes,	224
Apprehended,	73
Convicted, 20	
Acquitted, 35	
Petty offences,	187
Apprehended,	276
Convicted, 183	
Acquitted, 76	

444. The number of persons apprehended, convicted, and acquitted in "heinous crimes" and "petty offences" is given in the margin.* The results are satisfactory. The Session Judge makes the following remarks. "Though of the acquittals" (in heinous cases) "the number compared with the convictions is large, the actual number is small. In comparison with the preceding two years, this district has been in a very satisfactory state during the past year. The average of offences of both a deeper and lesser dye has considerably diminished, and Mr. Law observes, that if the criminal statements be a criterion and crime not concealed, this

Joint Magistracy would appear in good order." But the Court observe that for 84 reported burglaries, only 9 persons were apprehended, and of these 5 were acquitted. The general state of this Joint Magistracy is however satisfactory.

445. The number of persons in jail or on bail on the 31st December last, is noted in the margin.*

* In jail, ...	6
On bail,.....	16
	22

446. One suit instituted under the provisions of Regulation XV. of 1824, was pending in this Joint Magistracy at the close of the year.

447. Two persons were in confinement, in default of security for good conduct, at the same period.

448. The number of appeals preferred from the decisions of the Joint Magistrate in criminal trials, and in cases of a miscellaneous nature, and the result thereof, are noted in the margin.* Only one case was called for on review of the statements.

* *Criminal trials.*		
Pending of 1837,.....		2
Preferred in 1838, ...		24
		26
Confirmed,.....	17	
Modified or reversed, ...	8	
Pending,.....	1	
		26
Miscellaneous cases.		
Preferred in 1838, ...		10
Confirmed,.....	6	
Modified or reversed, ...	4	
		10

449. The criminal business actually pending in this Joint Magistracy on the 31st December 1838, is noted in the margin.*

* Heinous offences,.....	1
Petty ditto, ...	67
Proceedings from other districts,.....	1
	69

SESSIONS COURT.

450. Mr. J. Reily, the Principal Sudder Ameen, was in charge of the Session Judge's office from the commencement of the year to the 9th of February, on which date Mr. T. A. Shaw resumed charge of his office and continued in it to the end of the year.

451. At the close of the year 1837, there were 13 persons under trial on commitment by the Magistrate of Rungpore, and 130 persons were committed during the year 1838, making an aggregate of 143. They were disposed of as stated in the margin.* "The result of the commitments," observes Mr. Shaw, "is considered to be perfectly satisfactory, and highly creditable to the judgment of the committing Magistrates, Messrs. Metcalfe and Dick. As noted in the monthly statements, there were grounds for the commitment of all the persons acquitted."

* Acquitted, ...	18
Convicted, ...	99
Referred to Nizamut Adawlut, ...	5
Died.....	1
Pending,.....	20
	143

452. During the year, 12 persons were committed to the Sessions by the Joint Magistrate of Bogra; and they were disposed of as noted in the margin.*

* Acquitted, ...	1
Convicted, ...	6
Referred to the Nizamut Adawlut, ...	5
	12

453. Two cases were called for at the English sittings or by precept on appeal, and one case was pending at the close of 1837. In two instances the Session Judge's sentence was not interfered with, and the third case remained undecided at the close of the year.

454. Two persons were under reference from Rungpore to this Court at the close of the year 1837, and the number referred in 1838 was 10, making a total of 12, the whole of whom were convicted.

455. The following is an abstract of the sentences passed on the prisoners convicted in the districts of Rungpore and Bogra in the year 1838:

By the Nizamut Adawlut.

Death,	1
Imprisonment for life,	2
„ 14 years,	7
„ 7 ditto,	1
„ 5 ditto,	1
	12

By the Session Judge.

Imprisonment for 7 years and upwards,	31
„ 3 years and upwards,	55
„ 1 year and upwards,	16
Fine and discharged,	3
	105

By the Magistrate of Rungpore and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	255
Less than 6 months,	446
Fined,	560
Required to furnish security,	18
	1279

By the Joint Magistrate of Bogra.

Imprisonment for 6 months and not exceeding 3 years,	27
Less than 6 months,	50
Fined,	124
Required to furnish security,	2
	203

GENERAL REMARKS.

456. The statements were submitted by the Session Judge with a Report. Mr. Shaw remarks: "I have much satisfaction in stating, that the administration of criminal justice in this division, during the past year, has been in a very satisfactory state, and much credit is due to Messrs. H. C. Metcalfe and A. T. Dick, Officiating Magistrates of Rungpore, and Mr. W. A. Law, Joint Magistrate of Bogra." The Court have no reason to differ from this opinion of the condition of the district generally, and the conduct of the officers who have been in charge of them during the year.

457. The duties of the Sessions Court were very satisfactorily conducted by Mr. Shaw.

Zillah Behar.

MAGISTRATE'S COURT.

458. Mr. W. Onslow was in charge of the Magistrate's office during the year 1838.

459. At the close of the year 1837, there were 32 persons under examination, viz., 8 in jail and 24 on bail or personal recognizance, and 2224 persons were apprehended or summoned during the year 1838, making a total of 2256. These persons were disposed of as noted in the margin.*

* Acquitted, ...		896
Convicted, ...		1030
Committed, ...		259
Under trial:		
In jail, ...	25	71
On bail, ...	46	
		2256

460. The marginal* memorandum shews the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." The proportion of convictions to acquittals is much more favorable than that exhibited in the statements for 1837, and were the Court to regard that circumstance exclusively, they would feel disposed to consider the management of Mr. Onslow to have been tolerably efficient; but when they take into consideration the number of prisoners committed to the Sessions, who were acquitted on trial, and the many instances in which Mr. Onslow's decisions were reversed on appeal, they are obliged very much to qualify that opinion. The Court observe that 81 persons were punished for neglect of duty, and that 61 persons were discharged in consequence of Razeenamehs having been filed, and 81 from non-attendance of prosecutors.

* Heinous crimes,...		1171
Apprehended, ...		1249
Acquitted, ...	450	
Convicted,.....	508	
Petty offences, ...		427
Apprehended, ...		975
Acquitted, ...	446	
Convicted, ...	522	

461. The number of persons in jail and on bail on the 31st of December last, is noted in the margin.* This number is more than double of that exhibited as under examination at the close of 1837.

* In jail, ...	25
On bail, ...	46
	71

462. One case was pending in this district, under Regulation XV. of 1824, at the close of the year.

463 Forty-seven persons were in confinement at the same period, in default of security for good conduct. None of the cases appear to have been revised, during the year, by the Session Judge, who will be called upon for an explanation on this point.

464. The number of appeals preferred from the decisions of the Magistrate and Joint Magistrate in criminal trials, as well as in miscellaneous cases, and the manner in which they were disposed of, are given in the margin.* The results are unsatisfactory.

* *Criminal trials.*

Preferred,		85
Confirmed,	38	
Reversed,	47	
Pending,	1	
		85

Miscellaneous cases.

Preferred,		60
Confirmed,	36	
Reversed,	21	
Pending,	3	
		60

465. The criminal business pending in this district at the close of the year, is entered in the margin.* The statement calls for no particular remarks.

* Heinous offences,	6
Petty ditto,	63
Appeals,	1

SESSIONS COURT.

466. Mr. J. C. Brown held the office of Session Judge throughout the year. He devoted 106 days to the disposal of criminal business.

467. At the close of the year 1837, one person remained under trial, and 259 persons were committed during 1838, making a total of 260. They were disposed of as noted in the margin.* The Court have already noticed the very considerable number of acquittals. There is a slight error in the Session Judge's Statement No. 12, in the number of prisoners punished by him without reference, and the number referred to the Nizamut Adawlut. The case of three prisoners originally referred by him in 1837, was sent back in the same year for disposal by himself: on his passing sentence on the prisoners in January 1838, and submitting a Supplementary Statement, the Court called for the proceedings. Hence the discrepancy.

* Acquitted,	77
Convicted,	111
Referred to Nizamut Adawlut,	58
Commitments annulled,	2
Died,	1
Under trial,	11
	260

468. Fourteen trials called for at the English sittings of the Court or by precept on appeal, during 1837, were pending on the 31st December of that year, and 13 trials were similarly called for in the year under review. Thirteen of the cases of 1837 were acquittals, but the Court on revising their proceedings recorded their opinion that in three of them at least the Session Judge had decided contrary to the evidence which had been adduced, and that in two others, though the evidence before him was insufficient for conviction, he should have directed further investigation to be made. In seven of the remaining cases the orders of the Session Judge were either modified or reversed, and in three more confirmed. Four trials are still before the Court.

469. Twelve prisoners were under reference to the Nizamut Adawlut at the close of the year 1837, and 58 were referred in 1838, making a total of 70. These prisoners were disposed of in the manner noted in the margin.*

* Acquitted,	28
Convicted,	39
Under trial,	3
	70

470. The following is an abstract of the sentences passed on the prisoners convicted in this district during the year 1838:

By the Nizamut Adawlut.

Death,	2
Imprisonment for life,	15
„ 7 years and not exceeding 14 years,	12
„ 3 years and not exceeding 5 years,	9
Less than one year,	1
	39

By the Session Judge.

Imprisonment for seven years and upwards,	46
„ three years and upwards,	54
„ one year and upwards,	5
„ less than 1 year,	2
Fined,	1
	108

By the Magistrate and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	427
Less than 6 months,	253
Fined,	311
Required to give security,	34
Punished with stripes (convicts,)	5
	1030

GENERAL REMARKS.

471. The statements were submitted by the Session Judge, with a report dated 25th February last.

472. The following observations are offered by Mr. Brown, regarding the comparative state of crime in the district during the years 1837 and 1838, and the proceedings of the Magistrate in the year under review. "On comparing the statements for 1837 and 1838, it appears that the number of crimes ascertained to have been committed during the past year, very much exceeded what occurred during the former period. This difference, I conceive, is more attributable to the will of the Magistrate than any thing else; for where one officer wishes to make it appear that crime is greatly diminished during his administration, he has only to enter the crimes in his statements, which have been brought before him and tried. From enquiries made occasionally of respectable and well informed inhabitants, it does not appear that crime has in fact increased at all, but that more is reported. The difference in the commission of particular heinous offences during the two years, will appear noted in the margin,* and appears certainly in favor of the last year: crimes included under the first heads, viz. dacoity and highway robbery, are more difficult to conceal than other offences; indeed when they do occur, they are sure to be talked about, and therefore the police officers are afraid of not reporting them. The other crimes, burglary, theft, affrays, assaults, and arson, are easier concealed or perhaps compromised; and unless the Magistrate is desirous of really having all the crimes committed reported, his police or ministerial officers can easily only enter instances which cannot be overlooked. Miscellaneous crimes† and offences under heading 34, will be found much the same in both years, and these are less liable to run the chance of not being all reported, as they are generally made to the Magistrate at the Sudder station and are in themselves of little importance.

* Certain heinous crimes ascertained to have been committed in ...	1837.	1838.
Dacoities, all sorts,	44	8
Highway robbery, ditto,	14	7
Burglary,	37	460
Thefts,	132	582
Affrays,	3	16
Assaults,	11	21
Arson,	1	6

† In 1837, ... 411
In 1838, ... 427

"There is another obvious reason for considering that the reports of 1838 are more to be depended on than those furnished for 1837, namely, the number of

	1837.	1838.
* Computed number of offenders.....	7852	7377
Number of persons apprehended.....	2043	2095
Convicted, ...	611	966
Committed, ...	360	170

persons computed to have been concerned, and the number apprehended and brought to punishment, as will appear noted in the margin.* If the number of crimes committed in 1837 were really so much less than in the following year, it is strange that the computed number of offenders in the former year should have so much exceeded those of the latter; and the number of persons apprehended, and the proportion of those convicted during the year 1838, will undoubtedly prove more satisfactory than what was reported in 1837. Thus, it is trusted, the anticipations submitted in the last Annual Report, have been in a measure realized, and that the management of the district has improved under Mr. Onslow.

"It is satisfactory to bear testimony to this gentleman's zeal and assiduity in the discharge of his duty; and though on some occasions his orders and conduct may have been a little hasty and ill judged, yet he has without doubt been guided by a desire to do what he considered was for the best.

"The Officiating Joint Magistrate, Mr. Reid, is very attentive to his duty and will no doubt prove a very good public officer. In the few cases which have been appealed from his orders, all his decisions have been confirmed."

473. The Court are aware of the difficulties which attend the preparation of a correct statement of crimes, particularly such crimes as burglary and theft, which the sufferers, from a wish to escape trouble, cannot always be prevailed upon to bring to the notice of the authorities. But they consider that the difference between the burglaries and thefts reported in the last, and those reported in the preceding year, is too considerable and ought not to have been passed over without enquiry. The number of those crimes entered in the statements for 1837 is certainly very small for a district like Behar, particularly as during that year, in which much distress was felt on account of a scarcity of grain, the lower orders were more than ordinarily liable to be tempted to the commission of felonious offences. But if it were the practice in that year, contrary to the rules on the subject, to enter only such crimes as had been investigated, the Session Judge should have carefully enquired into the fact and applied a remedy at the time.

474. Assuming the accuracy in this respect of the statements for 1838, it becomes evident that numerous cases of burglary and theft have been committed without any investigation by the police, the perpetrators of which have consequently escaped with impunity. And if the supposition of the Session Judge regarding the statements for 1837 be correct, the same remark will apply to the state of things in that year.

475. Upon the whole, and adverting particularly to the diminution of the more serious offences of dacoity and highway robbery, the Court see no ground to dissent from the opinion expressed by the Session Judge that there has been some improvement in the management of the district under Mr. Onslow. They have the same opinion with Mr. Brown of Mr. Onslow's zeal and assiduity; and they entertain no doubt that a little more experience of office will supply what may now appear to be wanting.

476. The duties of the Sessions Court were performed by Mr. Brown with assiduity and attention.

Zillah Patna.

477. Mr. F. Skipwith was the Magistrate of this district during the past year.

MAGISTRATE'S COURT.

478. At the close of the year 1837, there were 17 persons under examination, viz. 4 in jail and 13 on bail or personal recognizance, and 2471 persons were apprehended or summoned during the year 1838, making an aggregate of 2488 persons. These were disposed of in the manner noted in the margin.*

* Acquitted,		964
Convicted,		1351
Committed,		129
Died,		1
Escaped,		1
Transferred to other jurisdictions,		8
Under trial:		
In jail,	20	24
On bail,	4	
		2488

479. The statement in the margin* shows the number apprehended, convicted, and acquitted in "heinous crimes" as well as in "petty offences." The proportion between the convictions and acquittals in heinous cases, though an evident improvement on the preceding year, cannot be considered satisfactory, particularly with reference to the number of persons acquitted at the Sessions. The convictions are more numerous as regards petty offences: 365 persons were punished for neglect of duty, and 128 discharged with a reprimand—21 persons were discharged by compromise or non-attendance of prosecutors.

* Heinous offences,		679
Apprehended,		690
Acquitted,	274	
Convicted,	270	
Petty offences,		992
Apprehended,		1781
Acquitted,	690	
Convicted,	1091	

480. Out of 620 reported cases of burglary, attempts at burglary, and theft, only 221 cases were investigated by the police. Of 86 persons apprehended for the first two of these crimes, 51 were punished by the Magistrate and 6 committed to the Sessions.

481. The number of persons under trial in jail or on bail on the 31st December last, is noted in the margin.*

* In jail,		20
On bail,		4
		24

482. Six cases under Regulation XV. 1824, were pending in this district at the close of the year.

483. Twenty-five persons were in confinement at the same period, in default of security for good behaviour. The cases of 12 were revised by the Session Judge, and the orders of the Magistrate confirmed in 11 instances.

484. The number of appeals preferred from the decisions of the Magistrate in criminal trials, as also in cases of a miscellaneous nature, and the result thereof, are noted in the margin*—54 cases were called for by the Session Judge on revision of the monthly statements. The number of orders modified or reversed is considerable.

* *Criminal trials.*		
Preferred		160
Confirmed	90	
Modified or reversed	70	
		160
Miscellaneous cases.		
Pending in 1837		2
Preferred in 1838		51
		53
Confirmed	23	
Modified or reversed	29	
Pending	1	
		53

485. The criminal business actually pending in this district on the 31st December last, is noted in the margin.*

* Heinous offences,	4
Petty ditto,	38
Appeals,	2

SESSIONS COURT.

486. Mr. J. W. Templer conducted the duties of the Sessions Court until the 22d October, when he made over charge to Mr. R. E. Cunliffe, who officiated until the end of the year—57 days were devoted by these officers to Sessions duties, and 50 days to hearing criminal appeals.

* Acquitted,	49
Convicted,	83
Referred to Nizamut Adawlut,	8
Commitments annulled,	18
Under trial,	5
	163

487. At the close of the year 1837, there were 16 persons under trial, and 147 commitments were made during the year 1838, making a total of 163. These persons were disposed of in the manner noted in the margin.*

488. Two cases were called for at the English sittings of the Court or by precept on appeal. In one case the sentence of the Session Judge was confirmed, and the other case remained undecided at the close of the year.

* Acquitted,	1
Convicted,	7
Under trial,	1
	9

489. One prisoner was under reference to the Court of Nizamut Adawlut at the close of 1837, and the number referred in 1838 was 8, making altogether 9. These prisoners were disposed of in the manner noted in the margin.*

490. The following is an abstract of the sentences passed on the prisoners convicted in the district during the year 1838:

By the Nizamut Adawlut.

Death,	1	
Imprisonment for life,	3	
" 14 years,	1	
" 7 years,	2	
		7

By the Session Judge.

Imprisonment for 3 years and upwards,	37	
1 ditto,	26	
Less than one year,	20	
		83

By the Magistrate and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	200
Less than 6 months,	462
Fined,	552
Required to give security,	33
Dismissed from employ,	112
Flogged (convicts,)	2
	1361

GENERAL REMARKS.

491. The statements were submitted by Mr. Cunliffe, who makes the following remarks on the Magistrate's proceedings and the state of the district during the past year.

" The Magistrate, Mr. Skipwith, took charge of his office about the middle of 1837, and I observe the Session Judge, in his report for that year, has stated his opinion of the zeal and activity of the Magistrate, and of the improvement of the police effected by him ; and I have now the satisfaction to call the attention of the Court to the results in the great decrease of crime generally, and particularly in burglaries and thefts, as detailed in the comparative statement.* The district is quiet, and the foujdaree business referred to Mr. T. C. Trotter, vested with the powers of Joint Magistrate, and to Mr. D. Cunliffe, Assistant, during the period they have respectively been attached to this district, has been quickly disposed of, and satisfactorily. The appeals from the decisions of the Magistrate amount to 213, the majority of which were confirmed, and from those which have come before me, since I took charge, appear generally correct.

	In 1837.	In 1838.
* Murder, Dacoity, &c.	39	20
Burglary and theft,	884	628
All other crimes,	1081	1013
	2004	1661

" In 47 cases the commitments of the Magistrate were made with judgment, but in 4 cases Mr. Skipwith would have exercised sound discretion had he refrained from committing the prisoners: 3 commitments were annulled and returned to the Magistrate."

492. It is due to Mr. Skipwith to remark that the Court saw reason to differ from the Session Judge, Mr. Templer, in some instances in which he deemed commitments to have been injudiciously made. The Court were also of opinion that one case of commitment for affray was illegally annulled by Mr. Templer, and that Mr. Cunliffe was irregular in interfering with two other commitments made by the Magistrate. And with reference to the manner in which Mr. Skipwith's proceedings were conducted, the Court consider him to have performed his duties very creditably.

493. There are some discrepancies in the statements of the Magistrate as well as in those submitted by the Session Judge. In the marginal quotations the Magistrate's statements have been adhered to; but the Sessions statements have been corrected by the statements which are monthly submitted to the Court.

Zillah Sarun.

494. Mr. W. Luke was in charge of the Magistracy of Sarun, during the year 1838.

MAGISTRATE'S COURT.

495. At the close of the year 1837, there were 104 persons under trial, viz. 37 in jail and 67 on bail or personal recognizance, and 1295 persons were apprehended or summoned during the year 1838, making a total of 1399. These persons were disposed of in the manner noted in the margin.*

* Acquitted, ...		671
Convicted, ...		575
Committed, ...		118
Died,.....		2
Transferred to other jurisdictions, ...		5
Under trial :		
In jail,.....	17	28
On bail, ...	11	
		1399

* Heinous crimes,...	1073
Apprehended, ...	475
Acquitted, ... 216	
Convicted, ... 166	
Petty offences, ...	383
Apprehended, ...	820
Acquitted,... 455 } including	
Convicted,... 409 }	
some left under examination the year preceding.	

496. The statement in the margin* shews the number apprehended, acquitted, and convicted in "heinous crimes," as well as in "petty offences:" 103 persons were punished for neglect of duty. The results are not satisfactory, and the Court observe, that a very large increase appears in the number of heinous crimes, as compared with the former year (1837) in which the number was stated at 334. This they conclude has arisen from the circumstance of all cases of burglary and theft, in which no persons have been apprehended, being entered in the statements, which was not the former practice.

497. Forty-four persons were released in consequence of Razeenamehs having been filed, and one from non-attendance of prosecutors.

* In jail, ...	17
On bail, ...	11
	28

498. The number of persons under examination in jail and on bail on the 31st December last, is noted in the margin.*

499. Three cases instituted under the provisions of Regulation XV. of 1824, were pending in this district at the close of the year.

500. Thirty-three persons were in confinement, in default of security for good conduct, at the same period.

* *Criminal trials.*	
Pending of 1837,.....	26
Preferred in 1838, ...	65
	91
Confirmed,..... 49	
Reversed, ... 36	
Pending, ... 6	
	91
Miscellaneous cases.	
Pending of 1837.....	9
Preferred in 1838, ...	41
	50
Confirmed,..... 24	
Reversed, ... 10	
Pending,..... 16	
	50

501. The number of appeals preferred from the orders of the Magistrate and Joint Magistrate in criminal trials and miscellaneous cases, and the result thereof, are noted in the margin.* The statement does not call for any particular remark.

* Heinous offences, ...	9
Petty ditto, ...	8
Proceedings from other districts, ...	35
Miscellaneous cases,.....	35

502. The criminal business actually pending in this district on the 31st December last, is noted in the margin.*

CHUMPARUN.
JOINT MAGISTRACY.

503. Mr. C. B. Quintin was Joint Magistrate throughout the past year.

* Acquitted, ...	490
Convicted, ...	618
Committed, ...	39
Escaped,.....	1
Under trial:	
In jail, ... 7 }	
On bail,..... 12 }	
	19
	1167

504. At the end of the year 1837, there were 32 persons under trial, viz. 18 in jail, and 14 on bail or personal recognizance, and 1135 persons were apprehended or summoned during the year 1838, making a total of 1167. These persons were disposed of in the manner noted in the margin.*

505. The number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences," is noted in the margin*—115 persons were punished for neglect of duty. The proportions of convictions to acquittals are satisfactory; but the number of persons brought to justice, compared with the number of heinous offences ascertained to have been committed, is very small.

* Heinous crimes,
Apprehended, ... 936
Acquitted, ... 157
Convicted, ... 186
Petty offences,
Apprehended, ... 366
Acquitted, ... 333
Convicted, ... 430

506. Fifty-six persons were discharged in consequence of Razeenamehs having been filed, and 3 from non-attendance of prosecutors.

507. The number of persons in jail and on bail on the 31st December last, is noted in the margin.*

* In jail, ... 7
On bail, ... 12
19

508. One case was pending under Regulation XV. of 1824, at the close of the year.

509. Thirty-eight persons were in confinement, in default of security for good conduct, at the same period.

510. The number of appeals preferred from the decisions of the Joint Magistrate in criminal trials and miscellaneous cases, and the result thereof, are noted in the margin.* The statement is satisfactory in the case of regular trials, but not so in miscellaneous cases.

* *Criminal trials.*
Pending of 1837, ... 3
Preferred in 1838, ... 37
40
Confirmed, ... 23
Reversed, ... 11
Pending, ... 6
— 40

Miscellaneous cases.
Preferred, ... 20
Confirmed, ... 4
Reversed, ... 10
Pending, ... 6
— 20

511. The criminal business actually pending in this district at the close of 1838, is noted in the margin.*

* Heinous offences, ... 3
Petty ditto, ... 10
Miscellaneous cases, ... 87

512. Mr. C. G. Udny was Session Judge throughout the year 1838.

513. At the close of the year 1837, there were 2 persons under trial, and 118 persons were committed by the Magistrate of Sarun during 1838, making a total of 120. These persons were disposed of as noted in the margin.*

* Acquitted, ... 25
Convicted, ... 66
Referred to Nizamut Adawlut, ... 4
Referred to Session Judge of Thugs, ... 3
Under trial, ... 22
120

514. There were 13 persons under trial on commitment by the Joint Magistrate of Chumparun at the close of 1837; the number committed in 1838 was 39, making a total of 52. They were disposed of as noted in the margin.* The number of acquittals is large; and the Court observe, that in two instances during the year, they had occasion to remark, that the commitments of the Joint Magistrate of Chumparun were not judiciously made.

* Acquitted, ... 14
Convicted, ... 12
Referred to the Nizamut Adawlut, ... 8
Commitments annulled, 1
Escaped, ... 1
Under trial, ... 16
52

515. Four trials were called for at the English sittings of the Court or by precept on appeal. In three cases the sentence passed by the Session Judge was enhanced, and one case remained undisposed of at the close of the year.

* Sarun,	4
Chumparun,	8
	12

516. The cases of 12 prisoners* were referred to the Nizamut Adawlut during the year 1838, and they were disposed of in the manner noted in the margin.†

† Acquitted,	7
Convicted,	4
Pending,	1
	12

517. The Court observe that besides the Sessions held on commitments made by the ordinary criminal authorities of Sarun and Chumparun, the Session Judge tried 22 prisoners charged with belonging to gangs of thugs, who were committed by the Assistant to the General Superintendent of Operations for the Suppression of Thuggee. The whole of these cases were referred to the Nizamut Adawlut. As a separate report on the subject of the thuggee prisoners has been called for by Government, the Court do not consider it necessary to notice them further in this place.

518. The following is an abstract of the sentences passed on the prisoners in these districts during the year 1838:

By the Nizamut Adawlut.

Imprisonment for life,	3
„ 14 years,	1
	4

By the Session Judge.

Imprisonment for 14 years and upwards,	3
„ 7 years and upwards,	13
„ 3 years and upwards,	38
„ 1 year and upwards,	23
„ less than one year,	1
	78

By the Magistrate of Sarun and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	119
Less than 6 months,	131
Fined,	254
Discharged for misconduct,	32
Required to furnish security,	39
	575

By the Joint Magistrate of Chumparun and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	154
Less than 6 months,	187
Fined,	176
Required to give security,	101
	618

GENERAL REMARKS.

519. The statements for the districts of Sarun and Chumparun were submitted by Mr. Nisbet, with his report of the 6th April last, and do not appear to the Court to call for any remarks in addition to those which have already been made on the several statements, unless it be that the returns do not exhibit any considerable improvement in the administration of criminal justice, as compared with the year 1837, for which however, it appeared to the Court, there was ample room.

520. On the character of the Magisterial Functionaries of Sarun and Chumparun, Mr. Nisbet, the present Judge, has the following remarks: "As regards the official character of the officers who have been discharging the functions of Magistrate in this district during the past year, viz. Mr. W. Luke and Captain W. M. Ramsay, they both seem to be zealous officers and fond of their duty, and their proceedings appear to be conducted with care and regularity. The Joint Magistrate of Chumparun, Mr. C. B. Quintin, appears to be a young officer who has yet to gain experience, and who stands in need of occasional direction both in the matter of law and procedure."

521. With the exception of occasional carelessness in the preparation of his periodical statements, the Court are satisfied with the manner in which Mr. Udny discharged the duties of the Sessions Court.

522. As the management of jails and the employment of convicts, are subjects which have long been under the consideration of Government, the Court do not deem it necessary to remark at greater length on the suggestions on the subject contained in Mr. Nisbet's report.

Zillah Shahabad.

MAGISTRATE'S COURT.

523. Mr. J. Taylor was Magistrate of Zillah Shahabad from 1st January to the 8th of October, and Mr. G. D. Wilkins from that date to the end of the year.

524. At the close of 1837, there were 24 persons under trial, viz. 3 in jail and 21 on bail, and 1716 persons were apprehended or summoned during the year, making a total of 1740 persons under examination. These persons were disposed of in the manner noted in the margin.*

* Acquitted,		737
Convicted,		812
Committed,		124
Escaped,		1
Transferred to other jurisdictions,		1
Under trial:		
In jail,	24	65
On bail,	41	
		1740

* Heinous crimes, ...		1088
Apprehended, ...		615
Convicted, ...	245	
Acquitted, ...	254	
Petty offences, ...		549
Apprehended, ...		1101
Convicted, ...	567	
Acquitted, ...	483	
In 1837, ...	478	
In 1838, ...	1088	

525. The marginal statement* shews the number of persons apprehended, convicted, and acquitted in "heinous crimes" as well as in "petty offences." Adverting to the number of persons committed for trial, the results are satisfactory: 99 persons were convicted for neglect of duty, and 110 were released on account of Razeenamehs being filed. From the foregoing statement the Court observe that the number of heinous crimes entered in the returns, more than doubles the number exhibited in the preceding year.† This is explained by the Magistrate, who states that, contrary to practice, all reported cases of burglary and theft have been entered in the statements for 1838, whether persons have been apprehended in them or not.

* In jail, ...	24
On bail, ...	41
	65

526. Sixty-five persons were in jail or on bail on the 31st December last, as noted in the margin.*

527. No cases were pending on the above date under Regulation XV. of 1824.

528. At the close of the year, 14 persons were confined in this district on requisition of security for good conduct.

* *Criminal trials.*		
Preferred, ...		42
Confirmed, ...	29	
Modified or reversed, ...	10	
Pending, ...	3	
		42
Miscellaneous cases.		
Preferred, ...		9
Confirmed, ...	8	
Reversed, ...	1	
		9
* Heinous offences, ...		17
Petty ditto, ...		7
Appeals, ...		7
Proceedings from other districts, ...		9
Miscellaneous cases, ...		62

529. The marginal note* shews the number of appeals preferred from the orders passed by the Magistrate and Joint Magistrate in criminal trials, and in miscellaneous cases, and the results thereof, which are very creditable to those officers. The Court observe, for the Session Judge's information, that agreeably to Construction No. 858, the orders of a Joint Magistrate not possessing independent authority, are in the first instance appealable to the Magistrate.

530. The actual business pending in the Magistrate's office at the close of the year, is exhibited in the margin.*

SESSIONS COURT.

531. Mr. W. Dent was Session Judge of Shahabad from the commencement of the year to the 22d October. He was however absent from the 17th to the 23d February, during which period Mr. H. S. Lane conducted the duties. On the 22d October, Mr. Dent made over charge of his office to Mr. W. N. Garrett, who continued in it to the end of the year.

* Acquitted, ...	19
Convicted, ...	75
Referred to Nizamut Adawlut, ...	28
Remaining for trial, ...	12
	134

532. At the close of the year 1837, there were 10 persons under trial, and 124 persons were committed during the year 1838, making a total of 134. They were disposed of in the manner noted in the margin.* The proportion of convictions to acquittals is satisfactory.

533. Eight cases, called for at the English sittings of the Nizamut Adawlut, or by precept on appeal, were disposed of during the year. In 4 instances the sentence passed by the Session Judge was not interfered with. In 1 case, including 12 prisoners, the sentence of the Session Judge on 1 prisoner was mitigated and on the remaining 11 confirmed. In the 3 other cases, consisting of 11 prisoners, the sentences on 5 were enhanced, 2 mitigated, and 4 annulled.

Nizamut Adawlut.

534. Twenty-eight prisoners were referred to the Nizamut Adawlut, and they were disposed of in the manner noted in the margin.*

* Convicted,	7
Acquitted,	7
Pending,	14
	28

535. The following is an abstract of the sentences passed on the prisoners convicted in this district during the year 1838.

By the Nizamut Adawlut.

Death,	1
Imprisonment for life,	1
" 21 years,	1
" 7 ditto	1
" 3 ditto	2
" 2 ditto	1
	7

By the Session Judge.

Imprisonment for 7 years and upwards,	10
" 3 years and upwards,	39
" 1 year and upwards,	25
Fined and discharged,	1
	75

By the Magistrate and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	249
Less than 6 months,	333
Fined,	204
Required to furnish security,	12
Dismissed from service,	5
Corporal punishment,	9
	812

GENERAL REMARKS.

536. The returns for this district, which were submitted by the present Officiating Judge, Mr. C. Udny, shew that the administration of criminal justice was very efficiently conducted throughout the year; and the Court have perused with great satisfaction the following minute recorded by Mr. Dent, and the letters from the late Magistrate Mr. Taylor to which he alludes. The testimony borne by both

officers to the official character of Mr. Sandys, is very creditable to that gentleman. The Court remark with regret, that Mr. Taylor was compelled by bad health to proceed to Europe.

MR. DENT'S MINUTE.

"Having held charge of the Sessions Court of Shahabad during the greater part of the past year, Mr. Udny, the Officiating Judge, has handed to me the annual criminal statements for inspection and remark. The result of the year's proceedings, as exhibited in these statements, shows that the administration of criminal justice in the court of the Magistrate and his subordinates is conducted with a care and despatch highly creditable to all concerned.

"Mr. Taylor held charge of the office of Magistrate from the 1st January to the end of September, with the exception of an interval of 15 days, during which he was absent on leave. The high estimation in which this Officer is deservedly held, renders any remark from me superfluous. At my request, Mr. Taylor, before finally leaving the district, submitted a report of the manner in which his several subordinates had discharged their duties, copy of which is annexed. The Court will observe that Mr. Taylor, in the 3d and 4th paragraphs of his letter, bears testimony to the very efficient aid afforded to him by Mr. Sandys, the Joint Magistrate, (to whom, during the six months of the year, nearly all the criminal trials were entrusted,) and to his readiness to seek and profit by the experience of his seniors.

"Forty-eight (48) persons committed by Mr. Sandys, were tried by me, and disposed of as follows:

Convicted and sentenced, ...	37
Convicted and referred to Nizamut Adawlut, ...	9
Acquitted, but in which the commitment was justified,...	2
	48

* 6 Appeals
7 Called for.

"Thirteen (13) cases* decided by Mr. Sandys, came before me during the year, either in appeal or on being called for, which were disposed of as follows:

Sentence confirmed, ...	8
Ditto enhanced, ...	3
Ditto reduced, ...	1
Ditto reversed, but eventually confirmed, ...	1
	13

"The case in which Mr. Sandys' order was reversed, was in a charge for arson. Mr. Sandys considered the evidence unworthy of credit, and refused to commit the accused parties: the prosecutor appealed, and the case was ordered by me to be committed: it eventually proved that Mr. Sandys had exercised a sound discretion in not originally making over the accused parties to the Sessions Court, as, on having the witnesses before me, they were acquitted by me on the very grounds on which he had declined to commit them in the first instance, and this sentence was confirmed by the Nizamut Adawlut on the case being referred to them.

"The above results are very creditable to Mr. Sandys' judgment, and prove that he has profited by a longer experience in the department; and, having carefully watched his proceedings, I have no hesitation in pronouncing him an able and zealous public officer.

"The Court and Government will be gratified to observe that the Native Judicial Officers as per margin* had afforded Mr. Taylor essential aid, and that their proceedings had given him every satisfaction."

* Manowur Allee, P. S. A.
Allee Bux, A P. S. A.
Unwur Allee, Law Officer.

Extract of a letter from Mr. Taylor, dated 20th November 1838.

"In my report on the same subject for the past year, of date the 20th January last, No. 19 B., I stated that Mr. Sandys, my Joint Magistrate, had been employed during the whole of that period in completing settlement cases; the same duties continued to occupy him till the 10th of April of the present year, up to which time, I was in the sole discharge of the Magisterial functions.

"From the above date, on which his services became available, up to the close of September, when I was compelled from ill health to quit my appointment, Mr. Sandys continued to afford me very efficient aid, having been entrusted with the investigation and decision, with few exceptions, of all criminal trials; and, from cases which came under my review, they appear to have been investigated with care and attention. The result of the trials made over by him to the Sessions will appear in your own office, and I have every reason to believe they will be found satisfactory. The appeals were also made direct to yourself, and the manner of their disposal can be ascertained from your own records.

"Some blame having hitherto attached to Mr. Sandys' system and want of despatch in transacting business, I feel it is but due to his future prospects to state my opinion, that from the advice offered him by your predecessor and yourself, and from his longer experience, that officer has considerably improved in his mode of conducting his official duties; and, from the monthly returns furnished to your office of the time taken in the disposal of cases, I believe, I may confidently state, no unnecessary delay will be found to have occurred in those decided by him. As difficulties were experienced, I have myself always found him most ready to seek advice, and at all times anxious to benefit by the greater experience of his senior in office.

"The Native Judicial Officers employed during the period under review on criminal duties were Manowur Allee, Principal Sudder Ameen, Allee Bux, Additional Principal Sudder Ameen, and Unwur Allee, Law Officer; and in the disposal of minor cases, they have afforded me very considerable aid. I have always found them regular and attentive to their duties, and the manner in which they have been

conducted has afforded me every satisfaction. The number of cases made over to them, the appeals made therefrom, and their results are given below.

	No. of cases decided.	No. of appeals preferred.	Confirmed.	Cancelled.	Reversed.	Total.
Principal Sudder Ameen,.....	118	8	4	3	1	8
Additional Principal Sudder Ameen,	72	4	4	"	"	4
Law Officer, ...	221	12	8	4	"	12"

537. The Court are happy to notice the efficient aid afforded by the Native Judges in the despatch of criminal business.

Zillah Tirhoot.

MAGISTRATE'S COURT.

538. Mr. W. T. Trotter was Magistrate of Tirhoot during the past year.

* Acquitted,.....	495
Convicted,.....	1296
Committed, ...	82
Died,.....	4
Escaped, ...	10
Under trial:	
On bail, ...	32
	1919

539. At the close of the year 1837, there were 33 persons under examination, viz. 6 in jail and 27 on bail or personal recognizance, and 1886 persons were apprehended or summoned during the year 1838, making a total of 1,919. These persons were disposed of as noted in the margin.*

* Heinous crimes,...		588
Apprehended, ...		628
Acquitted, ...	134	
Convicted, ...	405	
Petty offences, ...		967
Apprehended, ...		1258
Acquitted, ...	361	
Convicted, ...	891	

540. The statement entered in the margin* shows the number of persons apprehended, convicted, and acquitted in "heinous crimes" as well as in "petty offences." The proportion of convictions to acquittals, exclusive of commitments, is as 100 to 38½, which is an improvement on the state of things in the previous year, when the ratio was 3 to 2, or 66⅔ per cent. The Court observe that 60 persons were convicted of neglect of duty, and that 73 were discharged in consequence of Razeenamehs having been filed. There is no note of the number discharged on reprimand.

541. There were 32 persons on bail on the 31st December last.

542. Three cases instituted under Regulation XV. of 1824, were pending at the close of the year.

543. Twenty-four persons were in confinement at the same period, in default of security for good conduct. Of these twelve cases were revised by the Session Judge within the year.

544. The number of appeals preferred from the decisions of the Magistrate in criminal trials, and from orders in miscellaneous cases, and the manner in which they were disposed of, are noted in the margin.* The number of reversals is considerable. The Session Judge observes, however, that the cases evinced careful and patient investigation: 22 cases were called for on revision of the monthly statements.

* *Criminal trials.*

Preferred,		163
Confirmed,	108	
Reversed,	55	
		— 163

Miscellaneous cases.

Preferred,		11
Confirmed,	9	
Reversed,	2	
		— 11

545. The actual business pending in this district on the 31st December last, is shown in the margin.* The statement is satisfactory.

* Heinous offences, ... 5
Petty ditto, ... 3
Proceedings from other districts, ... 18
Miscellaneous cases, ... 153

546. Mr. H. S. Oldfield was Session Judge of this district during the year 1838: 32 days were devoted by him to the disposal of criminal business.

SESSIONS COURT.

547. The number of prisoners committed to the sessions in 1838, was 82, and the cases were disposed of in the manner noted in the margin.*

548. Four trials were called for at the English sittings or by precept on appeal. Two of these were disposed of within the year, and two remain undecided. In the former the sentence passed on one prisoner was mitigated.

* Acquitted,	15
Convicted,	51
Referred to Nizamut Adawlut,	16
Commitments annulled,	3*
	85

* The commitment of 3 persons concerned in an affray was annulled, and the Magistrate was ordered to re-commit them with those of the opposite party who had been engaged in the same affray; so that in point of fact the commitment in question was *not* cancelled.

549. The cases of 16 prisoners were referred to this Court during the year 1838. These were disposed of as noted in the margin.*

* Convicted,	9
Under trial,	7
	16

550. The following is an abstract of the sentences passed on the prisoners convicted during the year 1838.

By the Nizamut Adawlut.

Imprisonment for life,	7
„ 2 years,	2
	9

By the Session Judge.

Imprisonment for 14 years,	1
„ 7 years and upwards,	11
„ 3 years and upwards,	15
„ 1 year and upwards,	26
	53

By the Magistrate and his Assistants.

Imprisonment for 6 months and not exceeding 3 years, ...	417
Less than 6 months, ...	148
Fined, ...	701
Required to furnish security, ...	30
	1296

GENERAL REMARKS.

551. The statements were submitted by Mr. Oldfield with a report dated 31st January last. Of the Magistrate, Mr. Oldfield remarks: "Mr. Trotter, the Magistrate, has conducted his duties much to my satisfaction; and the correctness of his statements shows that he continues to pay personal and careful attention to their preparation. He has pursued a steady and undeviating course; is attentive and zealous in the discharge of his functions; and affords me reason to anticipate great good from his exertions; and as he gains experience of the people and district, he will doubtless be more expeditious in his mode of transacting his business, for the average given by him (in his letter B), of the time during which causes have been pending,* perhaps may admit of curtailment. Still I by no means notice this in censure, since I am no advocate for too hasty judgment; and it is difficult for a third party to give a nice opinion on the point.

* 38 days.

"Messrs. Young and Cockburn have served under the Magistrate, the former as Assistant, the latter with the powers of Joint Magistrate, but both for so short a period that it would be premature to offer any remarks on their capacity or qualifications.

"In conclusion, I may add that the present state of criminal business of all branches and courts is, in my judgment, an improvement on the past year; and it will afford me very great satisfaction to find the Court entertain the same sentiment."

552. The crimes of murder, (including homicide,) and affrays attended with loss of life, personal injuries, or violent breaches of the peace, are still rife in the district. Nor is the force available to the Magistrate, sufficient, either with reference to the number or the character of the lower officers of the police, for the prevention of crimes of the latter description. On this subject, the Court can do no more than refer to the observations of Mr. Oldfield, as quoted in their last year's report on this district.

553. The crimes of burglary and theft appear, so far as can be inferred from a comparison of the statements of the last two years, to be on the decrease,* though about the same number of persons were punished for both offences in each year. The Court are willing to believe that this diminution is ascribable to the greater energy infused by Mr. Trotter into the subordinate officers of police, and the greater attention paid to the administration of justice in the Foujdaree court.

In	1837	1838
* Simple burglary, ...	500	323
Theft, ...	301	186

554. The duties of the sessions were performed in a very satisfactory manner by Mr. Oldfield. The statements of his court have, however, been very negligently prepared.

CONCLUDING REMARKS.

555. The Court have recorded, in their remarks on each district, their opinion of the condition of each, and of the mode in which the administration of criminal justice has been conducted, during the year under review. But it will not be improper to present at one view the whole of the districts under their control, so as to distinguish those which are in an efficient from those which are in an unsatisfactory state.

556. The districts noted in the margin* have been in an efficient state during the past year. Some of these, such as the 24-Pergunnahs, have been maintained in their present condition for several years past by the vigour and efficiency of the officers who have had charge of them. Others, such as Midnapore, have been retrieved within the year, by the able management of the controlling authority, from a condition which there was reason previously to pronounce unsatisfactory. And some of them, such as Rungpore and Sylhet, appear to owe their good character, not less to the absence of the ordinary inducements to crime, than to the efficiency of the Magistrates. The Court regard with much satisfaction the large number of districts of which they are enabled to form a favorable estimate.

* 24-Pergunnahs.
Beerbhoom.
Backergunge.
Mymensing.
Sylhet,
Chittagong.
Bhagulpore.
Monghyr.
Rungpore.
Purnea
Dinagepore.
Shahabad.
Midnapore.

557. The districts entered in the margin* may be put in the next class, with regard to the state of crime and the prompt and efficient administration of criminal justice. Some of these districts have derived great benefit from being placed under the charge of active officers during the year; and others have been maintained for a considerable period in a tolerable condition. Still their general state is not altogether satisfactory. Many of them are now presided over by able officers, and the Court strongly hope to have it in their power to speak more favorably, on a future occasion, of the results of their administration.

* Tirhoot.
Dacca.
Sarun.
Behar.
Patna
Cuttack.

558. It is with regret that the Court are compelled to place the districts noted in the margin* in the least favorable class. Two of these districts, Moorshedabad and Nuddea, have long been notorious for crime. The exertions of the officers who have been in charge of them have done much to lessen crime, but the evil is too deep-rooted to be easily removed. At the same time the Court have had occasion to remark that the efforts of those officers, however well meant, have not always been the most regular or the most judicious; but they trust that the opinions which they have already expressed and the judicious counsels of the Session Judges will have their proper influence with the Magistrates in correcting whatever is exceptionable. The districts of Rajshahye and Pubna are in a lamentable condition. The latter has been zealously superintended by the Officiating Joint Magistrate, as far as his engagements in the revenue department would permit, but without adequate success. The former was under charge of four officers during the year, some of them very inexperienced; and it is obvious that much improvement cannot be looked for unless an officer has time to make himself acquainted with the district, to mature his plans, and watch over the results of the measures pursued by him. The districts of East and West Burdwan and Jessore have been already noticed as exhibiting an increase of crime and a decrease in the number of apprehensions—an evident indication of a want of vigilant control over the officers of police. In two of these districts, these effects are attributable to the paucity of officers: in the other

* Moorshedabad.
Nuddea
Rajshahye.
Pubna
East Burdwan.
West Burdwan.
Hooghly.
Jessore.
Baraset.

district (Jessore) the officers have not been wanting in activity, but there have been no commensurate results. The district of Hooghly has retrograded from the position it occupied hitherto, but the result has been caused by extraneous and uncontrollable circumstances.

559. It is not necessary for the Court on the present occasion to enter into a consideration of the comparative state of crime, as that branch of the subject will be reported on by the Superintendent of Police. By directing the Session Judges to furnish to that officer extracts from their proceedings in which they may have had occasion to take notice of the state of the police in their respective districts, and by supplying him from this office with copies of their Reports on the criminal administration for the years 1837 and 1838, the Court have afforded him all the facilities which lay in their power, for performing his important duties satisfactorily.

560. The Court now proceed to notice the results of the administration of 1838 in comparison with those of 1837, as indicated by the general statements which accompany this Report.

561. The convictions, including commitments, in 1838, were 64½ per cent. of the number of persons apprehended and brought to trial, which is nearly the proportion deduced from the tables for 1837.

Year.	Number of persons under trial before the Session Judges.	Number of persons convicted and referred to the Nizamut Adawlut by the Session Judges.	Proportion per cent. of those convicted and referred, to those under trial.	Number of persons whose cases were referred to the Nizamut Adawlut.	Number of persons convicted by the Nizamut Adawlut.	Proportion per cent. of convicted to referred.
1837.	4,421	2,955	66¾	690	417	60
1838	3,790	2,519	66½	657	318	48½

562. The statement entered in the margin* exhibits the results of commitments to the Sessions Courts and of trials referred to the Nizamut Adalut, in 1838, as compared with the results of 1837. In the former year, out of every 1,000 men under trial, 588 were convicted by the Magistrates, 34 by the Session Judges, and 5 by the Nizamut Adawlut. In 1837 the numbers were respectively 578, 38, and 6. The comparison shows that there is a greater number of convictions in the inferior than in the Superior Courts.

	1837.	1838.
Sentenced to suffer death,	30	38
Imprisonment and transportation for life,	109	81
Imprisonment for a period not exceeding 16 years nor less than 1 year,	5,871	5,300*
Imprisonment for periods less than a year,	14,494	13,378
Fined and discharged,	18,398	17,730
	38,902	36,527

* In this number is included 1 prisoner whose sentence extends to 21 years.

563. The total number of persons convicted and punished in 1838, falls short of the number convicted and punished in the preceding year by 2,375. There is a small increase in the number of capital sentences.

564. The comparative marginal statement of the number of apprehensions, acquittals, and convictions, including commitments, in the years 1837 and 1838, shows a considerable decrease in the number of persons apprehended, but a higher proportion between the apprehensions and the convictions. The result of the commitments of both years does not however tend to create a doubt, whether the higher proportion of convictions has not been caused by a desire to exhibit a state of things calculated to gratify the superior authorities. On the contrary, as the ratio between commitments and convictions in the Sessions Courts is nearly the same in both years, affording a presumption that the commitments have been made with equal care and judgment, the inference to be drawn, notwithstanding the circumstances before noticed, is, that the convictions in the Magisterial Courts have been according to evidence, uninfluenced by any of those motives which may be supposed capable of warping the judgment of an officer desirous of securing the approbation of his superiors.

Year.	Under trial.	Acquitted.	Convicted.	Committed.	Total Convicted and Committed.
1837.	62,404	20,599	36,071	3,945	40,016
1838.	58,042	17,963	34,185	3,327	37,512
Increase	"	"	"	"	"
Decrease	4,362	2,636	1,886	618	2,504

565. The Court are gratified in arriving at this conclusion from an examination of the general statements; but they are not satisfied that the decrease in the number of apprehensions is real, so much depending on the system which may obtain in the Mofussil of entering persons as apprehended. In cases where summonses are issued by the Magistrate for the appearance of persons against whom a prima facie case is made out, the statements will exhibit the actual state of things. But where Darogahs apprehend persons on their own authority, on information received by them, and release the greater number without reference to the Magistrate, and without his knowledge; or where persons are apprehended by the Darogahs but not forwarded to the Sudder station except with the sanction of the Magistrate, and those only are included among the apprehended who actually come into court; it is obvious that the system in force may assume a more favorable aspect on paper than it bears in reality.

566. The Court have again adverted to the question of the relation of convictions to acquittals, as they find, from a letter of Mr. Grant, Officiating Secretary to the Supreme Government, which was communicated to them,* that the Supreme Government entertain the same apprehensions which the Court have repeatedly expressed on the subject, viz. that the stress laid upon this point is calculated to lead to mischievous results. Should the arguments urged by Mr. Grant have induced the Government to re-consider the question, the Court beg leave to suggest that a circular be issued on the subject with a view to counteract the impressions which the criminal authorities have been acting under.

* Mr. Secretary Halliday's letter No. 1136, 4th July, 1838.

567. The opinions of the Court regarding the condition of particular districts, or the efficiency of the Magistrates in charge of them, have been pronounced not without hesitation when they have been based only on figured statements. Instances of this will have been observed in the course of this report, where the Court have been left to form a judgment entirely from the statements, without the aid of such information as can be derived only from the personal observation of the Magistrate regarding the state of the district, or from that of the Session Judge regarding the conduct and proceedings of his subordinate. Such information has in some instances been furnished to them; but they have frequently had occasion to regret the absence of these means of arriving at right conclusions regarding the proceedings of the year. It is the intention of the Court to enjoin the particular attention of the local authorities to this duty; and they now allude to this point with a view to remark that it is from such sources alone that precise information can be obtained of the kind noticed in Mr. Grant's letter abovementioned.* The statements are only capable of conveying an idea of those features of crime which are general and independent of local circumstances. It is the duty of Officers on the spot, who have had opportunities of marking the more distinguishing characteristics of the crimes committed within their jurisdiction, to record those circumstances for the information of the superior authorities.

* Paragraphs 2 to 5.

568. The Court have frequently had occasion to remark the loose terms in which the detail of "Miscellaneous Offences" is drawn up; and it is their practice occasionally to call for particular explanations, whenever there may be room to doubt whether the acts described are really such as to come within the cognizance of the Magistrate. But they feel it to be difficult to suggest any remedy. It should be observed that the detail of crimes includes not only those which are of a serious character, but those which are of ordinary occurrence, it appearing a useless thing to annex to the statements a long catalogue of offences, of which many headings will never be filled up, and which will always be found insufficient to include crimes of every shade.

569. From the statement, showing the general average number of days occupied by trials that are referred to the Nizamut Adawlut, which is appended to this Report, the following conclusions are deducible. Rejecting a few cases in which extraordinary delay occurred in the apprehension of prisoners, the duration of a trial averaged 148 days. Of this period, 20 days elapsed between the date of crime and the date of apprehension, 43 days were occupied in making the commitment, 36 days elapsed between the date of commitment and the date of referring the trial for the orders of the Nizamut Adawlut, 19 days were lost in the transmission of the proceedings, and 30 days were occupied by the investigation in this Court. If the number of days, for which cases were postponed with a view to further local investigation, be excluded, the average number of days required for the completion of a trial in the Nizamut Adawlut is reduced to 27, a number very much in excess of the time occupied by a trial in the Western Court. It was stated in the Report for 1837, that the plan pursued in that Court regarding the distribution of

trials among the Judges, would be introduced here. That plan, I am directed to observe, was adopted during a part of the year, but the time occupied by a trial has not been thereby reduced, a circumstance which is attributable to the small number of Judges at that time attached to the Court.

570. A separate Report will be submitted hereafter on the state of the jails and the employment and state of health of the convicts, should such a Report appear necessary.

I am,

Sir,

Your Obedient Humble Servant,

Register.

FORT WILLIAM,
The 1st November, 1839.

APPENDIX.

No. I.

Correspondence referred to in Parayraph 47 of this Report.

(No. 69.)

To J. HAWKINS, Esquire,
Register to the Court of Nizamut Adawlut,
Fort William.

Sir,

With reference to the correspondence noted in the margin,* I have the honor to submit, for the information of the Court, copy of a letter, and of its enclosures, received from the Officiating Joint Magistrate of this district, No. 121, dated the 10th instant.

* Session Judge to Register of Nizamut Adawlut, dated the 14th July 1838, No. 87.
Register of Nizamut Adawlut to Session Judge, No. 2541, dated 24th August 1838, with enclosure from Government.
Session Judge to Register of Nizamut Adawlut, No. 132, dated 21st September 1838, with enclosure.
Register of Nizamut Adawlut to Session Judge, No. 2909, dated 5th October 1838.
Session Judge to Register of Nizamut Adawlut, No. 144, dated the 26th October 1838, with enclosure.

2. I have already recorded my opinion, that the state of the business in this district, is such as to render it almost impracticable for a single officer to pay sufficient attention to the duties of both the criminal and fiscal departments; and in paragraph 23 of my report on the administration of criminal justice for the past year, I suggested the expediency of those functions being divided, and the performance of them being entrusted to separate and distinct officers; and the statement of business pending, given in the 3d paragraph of Mr. Loch's letter to the Commissioner of Revenue, suffices to shew the necessity that exists for some such arrangement being made without delay.

3. The deficiency of the establishment of Amlah attached to the Joint Magistrate's office, has already been alluded to in the 24th paragraph of my criminal report abovementioned; and the circumstance of there being one and the same establishment for both offices, requires no lengthened arguments to point out the numerous objections which present themselves against such an arrangement, which is calculated to retard and perplex the business of both departments.

4. It is not very clear whether with reference to Section 4, Act XXIV. of 1837, this court is the proper channel through which the sanction of Government to the proposed increase of establishment should be solicited; but as the subject is intimately connected with the question of the division of offices, which has already been brought to the notice of the Court, I have deemed it proper to submit the whole of the papers received from Mr. Loch for the consideration and orders of the Nizamut Adawlut.

I have, &c.,
(Signed) F. GOULDSBURY,
Session Judge.

West Burdwan,
at Bancoorah,
The 12th June 1839.

No. 121.

To F. GOULDSBURY, Esquire,
Session Judge of West Burdwan at Bancoorah.

Sir,

I have the honor of sending a copy of a letter I have addressed to Mr. Commissioner Dampier, and as it equally applies to the Foujdary business, I have thought it unnecessary to write a separate letter for your information. I have also sent a copy to the Superintendent of Police.

I have, &c.

(Signed) T. C. LOCH,
Officiating Joint Magistrate.

Bancoorah
Joint Magistracy,
the 10th June, 1839.

No. 384.

To W. DAMPIER, Esquire,
Commissioner of Revenue, 18th Division,
Allipore.

Sir,

In sending down the statement of the work disposed of and pending in this district during the month of May, I feel that it needs some explanation with regard to the number of cases remaining undecided on the files.

2. When I took charge on the 4th of May I found, that the arrears in the Foujdary Court were as heavy, if not more so than those in the Collectory. There were upwards of 350 persons present waiting for their cases coming on, and there were 60 men in Hajut. These of course required my immediate attention, and the days I could spare for Collectory work I gave to the trial of summary suits, thinking they were the most urgent. The others I have been obliged to defer till this month.

3. From looking at the state of the files in both offices, I am bound to say, I think it impossible that one person will be able to clear off the arrears for many months. I give below a statement of the cases pending:

Foujdary.

Heavy,	9	
Lighter,	215	
Miscellaneous,	130	
		354

BENGAL SECRETARIAT LIBRARY

Collectory.

Regulation VII. cases,	229	
Regulation V. ditto,	50	
Regulation VIII. 1819,	4	
Lakheraj cases, &c. sent from Civil Court,	130	
Decree Jarce,	323	
Miscellaneous,	82	
Lotbundies,	7	
Civil Suits,	2	
		827
		1181

4. Thus you will observe there are upwards of 1181 cases of one sort and another pending before me. It is not like as if these were the only cases that are to be decided, but fresh ones are coming in daily, especially in the Foujdaree, in which office, in my humble opinion, there is work sufficient for any one person—the extent of district being as large as Burdwan, and three of the heaviest thannahs of that zillah having been made over to this jurisdiction last year. It is a mistake also to suppose that the Collectory needs no time to be given to it, for although the collections are as easily made as I suppose in any district in India, yet suits under Regulations VII. of 1799, and V. of 1812, and cases sent from the civil court, are very numerous, andof course require a great deal of attention from the officer in charge of the district.

5. Although perhaps one officer's time would not be taken up entirely in the Collectory, with the present work, yet it is as clear that one man cannot now do the work of both officers properly, since the addition of the three thannahs abovementioned. If it would not be thought too bold, I would beg to state that Government might make two arrangements: the first, they might appoint an assistant under the Joint Magistrate and Deputy, or, which in my opinion would be better, they might separate the two offices entirely and appoint two officers, a Joint Magistrate and a Deputy Collector, and give to the Deputy Collector, besides the present work, the settlement of all the resumed lands in the district, which would be full employment for any man. If Government would not like to go to the above expense, I would recommend a Deputy Collector under Regulation IX. to be appointed, to assist in the decision of summary and other suits in the Collectory.

6. There is another circumstance that has thrown the work of this district as much into confusion as any thing else, namely, that the Amlah belong to both offices, and although they have their work separated and portioned out to them in each as much as possible, yet from the fewness of hands, some are obliged to perform the work in both courts.

7. I have the honor herewith to submit my plan for separating them, which I hope will meet with your approval. There will be an increase of expense to Government, but it must be remembered that the district is also much increased since the present establishment was first appointed; and to carry on the work satisfactorily to Government or with benefit to the people, with the present number of Amlah, I deem impossible.

8. I may add that I have also informed the Judge, in a letter with my Foujdary monthly statement, that I consider assistance necessary in this district.

I have, &c.

(Signed) T. C. LOCH,

Offy. Deputy Collector.

BANCOORAH,
DEPUTY COLLECTOR'S OFFICE,
The 8th June, 1839.

P. S. I forgot to add above that at the time the three thannahs were joined to this district, three were also cut off from it and given to Beerbhoom, but it was any thing but a fair exchange, the work in the one place being light and in the other as heavy as any in India, that is, if the Magistrate had time to look after his police, which at present he has not.

(Signed) T. C. LOCH,

Offy. Deputy Collector.

(True Copies,)

(Signed) T. C. LOCH,

Offy. Deputy Collector.

(True Copies,)

(Signed) F. GOULDSBURY,

Session Judge.

No. II.

Letter from Mr. H. C. Bagge, Officiating Joint Magistrate of Bhaugulpore, on the remarks contained in paragraph 346 of the Report, and the Court's reply to the same.

To J. HAWKINS, ESQUIRE,

Register to the Court of Nizamut Adawlut,

FORT WILLIAM.

SIR,

Having been absent from my station on leave and only returned a few days ago, I have but lately been made acquainted with the censures upon my official conduct as passed by the Nizamut Adawlut in their Resolutions upon the Annual Criminal Report of this district for the year 1838.

2. The Superior Court states: "It appears from the foregoing that the results are most creditable to Mr. James and least so to Mr. Bagge, although in cases finally disposed of by himself the ratio of convictions is very high, leading, so far as an

opinion can be formed from numerical statements, to a probable conclusion that many persons have been convicted by him upon insufficient evidence."

3. I request the honor of your laying before the Nizamut Adawlut the following explanations.

4. From December 11th to 31st, 6 cases were committed by me to the Sessions, in which there appears the number of prisoners 34. They are as follows:

Juggun, ... *vs.*	1. Jeechoo, ...	
	2. Ram, ...	
	3. Musst. Koel, ...	Mother of No. 1.
	4. Musst. Toonee,	Wife of No. 1.
	5. Rughoobeer, ...	
	6. Musst. Gouree,	
	7. Mungur, ...	
	8. Jhotee, ...	
	9. Seetaram, ...	
	10. Goolchund, ...	
	11. Achumbeth, ...	
	12. Chutooree,.....	
Posun, ... *vs.*	13. Rughoobeer, ...	The number of prisoners in these four first cases were only 12, but being implicated in four different cases the number became 28; No. 6 is the mother of No. 8, and No. 5, brother of No. 7 to 12.
	14. Musst. Gouree,	
	15. Mungur,.....	
	16. Jhotee, ...	
	17. Goolchund, ...	
	18. Seetaram, ...	
	19. Achumbeth,.....	
	20. Chutooree,.....	
Madarbux, ... *vs.*	21. Mungur,.....	
	22. Jhotee, ...	
	23. Seetaram, ...	
	24. Goolchund,.....	
	25. Achumbeth, ...	
	26. Chutooree,.....	
Madaree Pasee, *vs.*	27. Mungur, ...	
	28. Jhotee, ...	
Ramdyal,..... *vs.*	Heera, ...	All convicted and punished.
	Talavur,.....	
	Dookha, ...	
	Beharee,.....	
	Moonsayee, ...	
Government *vs.*	Khooblal,	

5. When the Darogah discovered the principal burglar, in the house of Juggun, he learnt from him that the greatest part of the property stolen had been given to Mungur, Jhotee, and Seetaram, who, together with Goolchund, Achumbeth, and Chutooree, were the domestic servants, bearers of Major Graham, Commanding the Hill Rangers at this station.

6. The Darogah accordingly searched the premises of Major Graham, and in the house where all the bearers continually assembled together, found not only the property of Juggun Khansama, but also property belonging to Posun and Madar-bux, whose houses had some time before been broken into and plundered.

7. The number made over as above shown was 12, amongst whom 6 were punished and 6 released. It is especially, as relates to my having made over the 6 prisoners which were released by Mr. Wyatt, that I desire to call the attention of the Superior Court in order to explain the motives which guided me in making the commitment, and to show the proof (which I consider sufficient) of their guilt.

8. It is clearly proved before me by the evidence of eye witnesses that some linen, the property of Juggun, was found upon the bodies of Musst. Koel and Musst. Toonee, the former the mother and the latter the wife of Jeechoo, upon whom the burglary was proved: their answers before me are too vague and unsatisfactory to believe, for a moment, that they were ignorant of the way in which Jeechoo got possession of the linen in question. If this had been Jeechoo's first offence, there might have been a doubt raised as to culpability of the women, but surely when he is such a noted bad character, having been frequently imprisoned and has no means of obtaining such linen by his livelihood, there can be no doubt of their being participators in the plundered property and well aware of his mode of obtaining it.

9. Goolchund, Achumbeth, and Chutooree, are brothers and near relations of Mungur, Seetaram, and Jhotee, and are servants also in the same house: how could they be ignorant of the property being in the "Furash Khana?" Besides this, Musst. Gouree and Rughoobeer, relations also, were caught about 10 coss distant from this city with shawls and towels about their bodies going to their homes; their departure had not been pre-determined, and therefore what was the cause of its being so sudden? How could the bearers all of one family be ignorant of its cause? The receiving stolen property by these bearers was no new trade, as fully proved by the properties of other persons being found on the premises.

10. I felt perfectly convinced of their guilt, and I committed them on the charge of receiving stolen property, &c. Perhaps a more experienced Magistrate would have added, in a second charge, viz. "being accomplices."

11. The 6th, by name Ram, was apprehended by the Darogah through the instrumentality of Jeechoo, who gave him up as one of his associates, and he was discovered in Jeechoo's house from whence property was found—a strong presumptive proof of his guilt, though I am ready to acknowledge in his case that I did wrong in committing him, there being no direct proof, though at the time of investigation I conceived the presumptive evidence strong.

12. The next case is one of "perjury." Mr. John Oman, an Indigo Planter of Colgong, for some time past had a quarrel relative to the right of some lands on a Deeara, called Tintungah, with Debnarain Ghose, a neighbouring Zemindar. The case had been decided under Regulation XV. of 1824, and the Darogah was ordered to proceed to the spot to put Debnarain Ghose in possession of the dis-

puted land and to mark off the boundaries. On this Mudsoodun Doobey, servant to Mr. Oman, brought a complaint against the Darogah of taking a bribe of 500 Rupees from Debnarain Ghose, and on that account he put Debnarain Ghose in possession of more land than was decreed. It was to prove the giving and taking of the bribe he brought forward Khooblal as one of the witnesses, who in his evidence stated that he was called by Mudsoodun Doobey to listen to the conversation between Sonatun Mookerjea, (the authorized agent of Debnarain Ghose,) and the Darogah, and at the distance of 15 feet saw him give a tied-up handkerchief, full of rupees, (stating the sum 500 rupees.) Upon cross-examination he further stated the rupees were all Company's rupees, and this knowledge he obtained from the circumstance of the Darogah turning the rupees out of the handkerchief loose into his Palkee.

13. Thinking the man was suborned, though I could not prove by whom, and doubting if he ever knew the parties, I asked him if he knew Sonatun Mookerjea, and if so, to point him out: having replied in the affirmative, he pointed out another man by name Narainpersad Bose, and twice declared upon oath he was Sonatun Mookerjea in the presence of the most respectable witnesses.

14. The charge brought against the Darogah by the servant of Mr. Oman of taking a bribe from the agent of Debnarain Ghose, was a very heavy one, and to prove this Khooblal swears most solemnly to the truth of the charge, having been an eye witness. It is to be observed how very contradictory and absurd was his evidence.

1st. He stated the rupees were given in a tied-up handkerchief, and declares the number to be 500 rupees.

2dly. The Darogah opened the handkerchief in the presence of Mudsoodun Doobey and himself, and turned all the rupees loose into his Palkee, by which means he saw they were all Company's rupees.

3dly. That Soonatun Mookerjea gave the money to the Darogah in his Palkee on the Decarah.

15. I will only remark on these three heads, that :—

1st. If the money was tied up in a handkerchief, how could the witness know the sum?

2dly. How unlikely it is that any Darogah would take a bribe in the presence of the contending parties, and not only taking it, but as it were (having taken it) shown it so plainly by taking the rupees out of the handkerchief and make greater display by upsetting them into his Palkee.

3dly. That when cross-examined by me, he did not know Sonatun Mookerjea.

16. I now beg leave to refer to the latter part of the remarks of the Nizamut, relative to the conclusion they draw of the "likelihood of many persons being

convicted on insufficient evidence," and to state for their information that during 1838 the Magistrate made over for my investigation 398 cases, out of which *only* 28 were appealed to him, and out of the 28 *only in one* was my order revoked, and 4 altered, 3 *increasing* the punishment awarded by me, and 1 decreasing.

17. My office is close to that of the Magistrate, there is no difficulty in appealing, and if I had committed the injustice, which I deeply regret the Nizamut supposes, I feel assured that the parties aggrieved would have appealed.

18. This explanation, I trust, will be sufficiently clear and satisfactory, so as to induce the Superior Court to withdraw the censure passed by them upon my official conduct, and upon re-consideration, will no longer hold the opinion as expressed by them in their Resolutions on the Annual Report for the year 1838. My sole aim is to do my duty in the station in which I am placed; and I trust no power will have influence over me to make me so far neglect my duties as to punish innocent individuals, through fear of the number of acquittals being greater than the number of convictions in the monthly statement.

I have, &c.

(Signed) H. C. BAGGE, *Officiating Joint Magistrate.*

ZILLAH BHAGULPORE,
The 21st November, 1839.

To H. C. BAGGE, ESQUIRE,

Officiating Joint Magistrate, Zillah Bhaugulpore.

SIR,

Nizamut Adawlut.
The 13th December, 1839.
Present:
R. H. Rattray, W. Braddon, and C. Tucker, Esqrs. Judges,
and
A. Dick, and J. F. M. Reid, Esqrs. Temporary Judges,

The Court, having had before them your letter of the 21st ultimo, direct me to observe that the conclusion which is recorded in their Report for 1838, is founded on the fact brought to their notice by the Session Judge, that out of 34 persons committed by you 17 were acquitted; but that they never meant to imply that you were acting under an improper influence, or were capable of intentionally convicting prisoners on insufficient evidence.

2. The Court are gratified at the desire which you evince to exculpate yourself from blame; and they consider the statement given in the 16th paragraph of your letter, of the number and result of the appeals from your decisions, to be creditable.

I am, &c.

(Signed) J. HAWKINS, *Register.*

LIST OF CRIMINAL STATEMENTS.

1.—No. 1. Abstract Statement shewing the number of persons under trial, acquitted, and convicted in the year 1838, before the Sudder Ameens, Assistants, Joint Magistrates, and Magistrates in the Lower Provinces, and the number committed to take their trial at the Sessions, giving the following general result:

Under trial during the year,		58,042
Acquitted,	17,963	
Convicted,	34,185	
Committed,	3,327	
Casualties, &c.	760	
Under trial, in jail 710 / on bail 1,097	1807	58,042

2.—No. 12. Abstract Statement shewing the number of persons brought to trial, acquitted, and convicted in the year 1838, by the Session Judges and Commissioner of the 19th Division, and the number whose cases were referred to the Nizamut Adawlut, giving the following general result:

Under trial during the year,		3,790
Acquitted,	841	
Convicted,	2031	
Referred,	488	
Casualties, &c.,	65	
Under trial,	365	
		3,790

3.—No. 14. Abstract Statement shewing the number of persons whose cases were referred to the Nizamut Adawlut during the year 1838, and the manner in which they have been disposed of, giving the following general result:

Under trial during the year,		657
Acquitted,	171	
Convicted,	318	
Returned to the Session Judges,	48	
Casualties,	2	
Under trial,	118	
		657

4.—Statement No. 1 for the following Districts:

Behar,	Dinagepore,	West Burdwan,	Jessore,
Patna,	Malda,	Hooghly,	Backergunge,
Sarun,	Rajshahye,	Dacca,	Nuddea,

Chumparun,	Pubna,	Furreedpore,	24-Pergunnahs,
Shahabad,	Rungpore,	Mymensing,	Baraset,
Bhagulpore,	Bogra,	Sylhet,	Cuttack,
Monghyr,	Beerbhoom,	Chittagong,	Pooree,
Purneah,	Moorshedabad,	Tipperah,	Balasore, and
Tirhoot,	East Burdwan,	Noacolly,	Midnapore.

5.—Statement No. 12 of the same districts.

6.—Ditto No. 14 ditto ditto ditto.

7.—General Abstract of the Statements Nos. 1, 12, and 14.

8.—Statement No. 13, shewing the number of appeals preferred to the Nizamut Adawlut, in the year 1838, from sentences passed by the Commissioners and Session Judges in criminal trials and from orders passed by those officers in appeal from the decisions of Magistrates in regular trials, &c. and the manner in which the appeals were disposed of; together with an Abstract Statement of criminal trials decided by the Nizamut Adawlut during the same year.

9.—Statement No. 11 for the same districts, shewing the number of appeals preferred to the Session Judges and the Commissioner of the 19th Division from the orders of the Magistrates and Joint Magistrates in criminal trials and in cases of a miscellaneous nature, during the year 1838. This Statement will be found entered on the back of Statement No. 12.

10.—Statement No. 15 of the same districts, giving an Abstract calendar of persons convicted and acquitted by the Magistrates, Joint Magistrates, &c. during the year 1838.

11.—Statement No. 17 for the same districts, shewing the number of persons confined during the year 1838, in default of security for good conduct.

12.—Statement shewing the general average number of days between proceedings in cases referred to the Presidency Nizamut Adawlut during the year 1838.

No. 1.

STATEMENT of Crimes committed in the several Zillahs in 1838, and of the number of persons under trial, acquitted and convicted before the Assistants, Sudder Ameens, and Principal Sudder Ameens, and before the Magistrates and Joint Magistrates, and the number committed to take their trial at the Sessions.

1	2. DESCRIPTION OF CRIMES.	3. Number of crimes ascertained to have been committed during the year.	4. Number of persons under examination on the 1st January 1838. In Jail.	5. Number of persons under examination on the 1st January 1838. On Bail.	6. Number apprehended during the year or attending on summons.	7. Total under trial.	8. Before the Assistants, Sudder Ameens, and P. Sudder Ameens. Acquitted and Discharged.	9. Before the Assistants, Sudder Ameens, and P. Sudder Ameens. Convicted and Sentenced.	10. Before the Magistrates and Joint Magistrates. Acquitted and Discharged.	11. Before the Magistrates and Joint Magistrates. Convicted and Sentenced.	12. Before the Magistrates and Joint Magistrates. Committed to the Sessions.	13. Under trial on the 31st December 1838. In Jail.	14. Under trial on the 31st December 1838. On Bail.
1	Murder, ... By Thugs,	0	0	0	0	0	0	0	0	0	0	0	0
2	Murder, ... On the River,	0	0	0	0	0	0	0	0	0	0	0	0
3	Murder, ... Other cases,	233	26	0	711	737	0	0	248	0	454	17	10
4	Homicide not amounting to murder,	144	9	7	313	329	0	0	202	1	111	11	3
5	Dacoitee, ... With murder,	18	1	0	173	174	0	0	62	0	67	37	0
6	Dacoitee, ... With torture,	11	2	0	101	103	1	0	44	0	57	1	0
7	Dacoitee, ... With wounding or personal injury,	48	8	0	440	448	0	0	194	0	198	50	0
8	Dacoitee, ... Unattended with aggravating circumstances,	185	87	3	1242	1332	10	0	681	13	510	90	0
9	Dacoitee, ... Attempts to commit,	23	0	0	22	22	0	0	7	0	15	0	0
10	River Dacoitee, ... With murder,	0	0	0	0	0	0	0	0	0	0	0	0
11	River Dacoitee, ... With wounding or personal injury,	3	0	0	34	34	0	0	0	0	22	12	0
12	River Dacoitee, ... Unattended with aggravating circumstances,	9	20	0	81	101	0	0	43	0	51	0	0
13	River Dacoitee, ... Attempts to commit,	1	0	0	6	6	0	0	1	0	5	0	0
14	Highway Robbery, ... With murder,	4	0	0	22	22	0	0	3	0	19	0	0
15	Highway Robbery, ... With wounding or personal injury,	15	2	5	31	38	0	0	8	0	29	1	0
16	Highway Robbery, ... Unattended with aggravating circumstances,	37	0	0	85	85	0	0	25	0	51	3	0
17	Burglary, ... With murder,	2	0	0	15	15	0	0	14	0	1	0	0
18	Burglary, ... With wounding or personal injury,	10	0	0	20	20	0	0	1	10	9	0	0
19	Burglary, ... Unattended with aggravating circumstances,	5012	45	1	1997	2043	20	9	610	1094	248	52	3
20	Burglary, ... Attempts to commit,	1828	6	0	153	159	0	4	42	91	13	2	0
21	Theft, including cattle stealing, ... With murder, including of children,	11	0	0	28	28	0	0	15	0	12	1	0
22	Theft, including cattle stealing, ... With wounding or personal injury,	16	6	0	41	41	0	0	23	1	11	6	0
23	Theft, including cattle stealing, ... Unattended with aggravating circumstances,	8652	90	19	6009	6124	268	466	1794	3356	85	85	33
24	Receiving stolen or plundered property,	153	12	7	571	590	6	11	153	268	141	8	3
25	Child stealing, For the purpose of selling in slavery,	8	0	2	18	20	0	0	14	5	1	0	0
26	Child stealing, For the sake of ornaments,	0	0	0	0	0	0	0	0	0	0	0	0
27	Illegal purchase or sale of slaves,	4	0	6	11	17	0	0	9	7	0	0	0
28	Affrays, ... With homicide,	36	21	8	632	661	0	0	210	0	397	40	14
29	Affrays, ... With violent breaches of the peace,	65	1	36	860	897	3	9	236	404	171	0	52
30	Assaults, with wounding or personal injury,	348	18	47	1269	1334	59	126	272	651	175	8	32
31	Arson,	59	0	1	163	164	0	0	82	0	68	0	14
32	Forgery or uttering forged Deeds,	41	2	4	96	102	16	0	46	0	35	1	3
33	Suttee, aiding and abetting,	2	0	0	21	21	0	0	15	0	0	6	0
34	All miscellaneous crimes and offences not included in the above,	26053	130	737	41508	42375	4034	8617	8490	19013	370	279	930
	Total,	43013	486	883	56673	58042	4418	9242	13554	24944	3327	710	1097
							Add		4418	9242			
									17972	34186			
							Deduct died		9	1			
									17963	34185		710	1097
												1807	

REMARKS.

Number apprehended during the year or attending on summons as per column 6.

By the Police Darogahs.	By the Magistrates and their Subordinates.	Total.
20254	30503	50757

Acquitted and discharged as per mem. A,	17963
Convicted and sentenced as per mem. B,	34185
Committed to the Sessions,	3327
Died in Jail,	80
Escaped,	169
Transferred to other Jurisdictions,	511
Remaining under trial,	1807

Total under trial as per column 7: Males, 56799; Females, 1243; 58042

A. Acquitted and Discharged.	By Assts., Sudder Ameen, &c.	By Magistrates and Joint Magtes.	Total.
By non-attendance of prosecutors,	122	72	194
By compromise,	667	571	1238
On recognizance,	423	1081	1504
Without recognizance,	3035	10164	13199
On reprimand,	11	182	193
Total,	4258	12070	16328*
B. Convicted and Sentenced.			
To be imprisoned for a term of ..... 3 years,	3	648	651
2 years and upwards,	8	975	983
1 year and upwards,	17	1521	1538
6 months and upwards,	71	2548	2619
less than 6 months,	2710	7954	10664
Fined and discharged as per mem. C,	6383	9285	15668
Required to furnish security,	22	1211	1233
Convicts flogged,	4	112	116
Dismissed from employ, &c.,	23	690	713
Total,	9242	24944	34185
C. Detail of fines imposed on the prisoners fined and discharged.			
Above 100 and not exceeding 200 rupees,	5	79	84
— 50 — 100 —	23	127	150
— 25 — 50 —	103	415	518
— 10 — 25 —	673	1081	1754
— 5 — 10 —	1040	1588	2628
— 1 — 5 —	3575	3649	7224
Less than one rupee,	461	583	1044
Total,	5880	7522	14402

* The discrepancy in the detail of memo. A, is owing to some Returns having been furnished according to the old form, which does not contain this information.

J. HAWKINS, *Register.*

No. 12.

STATEMENT shewing the number of Persons brought to trial, acquitted and convicted in the year 1838 by the Session Judges in the Lower Provinces, and the number of Persons whose cases were referred to the Nizamut Adawlut.

1.	2. DESCRIPTION OF CRIMES.	3. Number of persons in cases postponed or under trial, 1st January 1838.	4. Committed during the year 1838.	5. Received back after reference to the Nizamut Adawlut.	6. Total under trial.	7. Acquitted and Discharged.	8. Convicted and Sentenced.	9. Referred to the Nizamut Adawlut.	10. Under trial on the 31st December, 1838.
1	Murder, ... By Thugs, ...	0	0	0	0	0	0	0	0
2	Murder, ... On the River, ...	0	0	0	0	0	0	0	0
3	Murder, ... Other Cases, ...	56	465	1	522	118	139	194	62
4	Homicide not amounting to murder, ...	24	101	1	126	18	80	14	13
5	Dacoitee, ... With murder, ...	2	58	0	60	12	1	33	13
6	Dacoitee, ... With torture, ...	0	71	0	71	14	27	15	15
7	Dacoitee, ... With wounding or personal injury, ...	12	190	0	202	52	111	19	19
8	Dacoitee, ... Unattended with aggravating circumstances, ...	64	498	0	562	122	387	5	47
9	Dacoitee, ... Attempts to commit, ...	2	25	0	27	13	14	0	0
10	River Dacoitee, ... With murder, ...	0	0	0	0	0	0	0	0
11	River Dacoitee, ... With wounding or personal injury, ...	0	22	0	22	0	22	0	0
12	River Dacoitee, ... Unattended with aggravating circumstances, ...	0	58	0	58	11	39	0	8
13	River Dacoitee, ... Attempts to commit, ...	0	0	0	0	0	0	0	0
14	Highway Robbery, ... With murder, ...	0	14	0	14	1	5	8	0
15	Highway Robbery, ... With wounding, ...	1	26	0	27	1	15	0	11
16	Highway Robbery, ... Unattended with aggravating circumstances, ...	4	55	0	59	16	30	0	12
17	Burglary, ... With murder, ...	0	5	0	5	0	0	5	0
18	Burglary, ... With wounding or personal injury, ...	0	9	0	9	3	6	0	0
19	Burglary, ... Unattended with aggravating circumstances, ...	52	243	0	295	61	198	7	21
20	Burglary, ... Attempts to commit, ...	1	15	0	16	1	12	3	0
21	Thefts, including cattle stealing, ... With murder, ...	3	15	0	18	2	4	10	2
22	Thefts, including cattle stealing, ... With wounding or personal injury, ...	0	11	0	11	3	6	2	0
23	Thefts, including cattle stealing, ... Unattended with aggravating circumstances, ...	16	85	0	101	19	72	1	5
24	Receiving stolen or plundered property, ...	17	155	0	172	58	86	10	18
25	Child stealing, For the purpose of selling in slavery, ...	0	1	0	1	0	1	0	0
26	Child stealing, For the sake of ornaments, ...	0	0	0	0	0	0	0	0
27	Illegal purchase or sale of slaves, ...	0	0	0	0	0	0	0	0
28	Affrays, ... With homicide, ...	93	413	0	506	153	253	75	23
29	Affrays, ... With violent breaches of the peace, ...	17	198	0	215	16	132	0	51
30	Assaults, with wounding or personal injury, ...	10	151	1	162	15	128	4	13
31	Arson, ...	2	72	0	74	30	31	13	0
32	Forgery or uttering forged deeds, ...	0	28	0	28	6	16	1	3
33	Suttee, aiding and abetting, ...	0	0	0	0	0	0	0	0
34	All miscellaneous crimes and offences not included in the above, ...	47	373	7	427	96	216	69	29
	Total, ...	423	3357	10	3790	841	2031	488	365

REMARKS.

Acquitted and discharged, ...	841
Convicted and sentenced as per Mem. A.	2031
Referred to the Nizamut Adawlut, ...	488
Commitments annulled, ...	51
Died in Jail, ...	9
Escaped after commitment, ...	2
Transferred to other authorities, ...	3
Remaining under Trial, ...	365
Total under trial as per Column 6, ... Males, ... 3658; Females, ... 132	3790

A.

Convicted and Sentenced.

	Total sentenced.	Of whom were sentenced to: Labor in Irons.	Banishment.	Tusheer.	Fine.
To be imprisoned for the period of 14 years and upwards, ...	94	90	47	0	0
7 years and upwards, ...	629	605	51	5	0
3 years and upwards, ...	883	608	0	4	174
1 year and upwards, ...	326	111	0	0	157
Less than one year, ...	92	84	14	0	58
To be fined and discharged as per Memo. B.	7	0	1	1	0
Total...	2031	1498	113	10	389

B.

Detail of Fines imposed on the persons Fined and Discharged.

Above 500 and not exceeding 1000 Rupees, ...	0
..... 250 ..... 500 „	0
..... 100 ..... 250 „	0
..... 50 ..... 100 „	0
Less than 50	0
Total amount of Fine,	3587*

* In consequence of some of the Session Judges not having filled up the column "sentenced to be fined and discharged," under the head of Remarks, the exact number of Persons fined cannot be ascertained.

J. HAWKINS, *Register.*

No. 14.

***STATEMENT** shewing the number of Persons whose cases were referred to the Nizamut Adawlut, by the Commissioners of Circuit and Session Judges for the Lower Provinces, during the year 1838, and the manner in which they were disposed of.*

1.	2. DESCRIPTION OF CRIMES.	3. Number of Persons in cases postponed or pending on the 1st January 1838.	4. Specially referred.	5. Not specially referred.	6. Total under trial.	7. Acquitted and discharged.	8. Convicted and sentenced.	9. Returned after reference to the Nizamut Adalut.	10. Under trial on the 1st Jan. 1839.
1	Murder, ... By Thugs,	6	7	0	13	6	0	0	7
2	Murder, ... On the river,	0	0	0	0	0	0	0	0
3	Murder, ... Other cases,	44	223	0	267	48	173	2	44
4	Homicide not amounting to murder,	0	7	0	7	2	4	0	1
5	Dacoitee, ... With murder,	30	22	0	52	22	30	0	0
6	Dacoitee, ... With torture,	0	0	0	0	0	0	0	0
7	Dacoitee, ... With wounding or personal injury,	0	21	0	21	8	4	0	9
8	Dacoitee, ... Unattended with aggravating circumstances,	0	24	0	24	18	6	0	0
9	Dacoitee, ... Attempts to commit,	0	0	0	0	0	0	0	0
10	River Dacoitee, ... With murder,	0	0	0	0	0	0	0	0
11	River Dacoitee, ... With wounding or personal injury,	0	0	0	0	0	0	0	0
12	River Dacoitee, ... Unattended with aggravating circumstances,	0	0	0	0	0	0	0	0
13	River Dacoitee, ... Attempts to commit,	0	0	0	0	0	0	0	0
14	Highway Robbery, ... With murder,	6	11	0	17	0	6	0	11
15	Highway Robbery, ... With wounding,	0	0	0	0	0	0	0	0
16	Highway Robbery, ... Unattended with aggravating circumstances,	0	0	0	0	0	0	0	0
17	Burglary, ... With murder,	0	1	0	1	0	1	0	0
18	Burglary, ... With wounding or personal injury,	0	0	0	0	0	0	0	0
19	Burglary, ... Unattended with aggravating circumstances,	2	7	0	9	7	0	2	0
20	Burglary, ... Attempts to commit,	0	0	0	0	0	0	0	0
21	Thefts, including cattle stealing, ... With murder, including of children,	0	2	0	2	0	1	0	1
22	Thefts, including cattle stealing, ... With wounding or personal injury,	0	0	0	0	0	0	0	0
23	Thefts, including cattle stealing, ... Unattended with aggravating circumstances,	0	4	0	4	3	1	0	0
24	Receiving stolen or plundered property,	0	4	0	4	3	1	0	0
25	Child stealing For the purpose of selling in slavery,	0	0	0	0	0	0	0	0
26	Child stealing For the sake of ornaments,	0	0	0	0	0	0	0	0
27	Illegal purchase or sale of slaves,	0	0	0	0	0	0	0	0
28	Affrays, ... With homicide,	0	47	0	47	0	4	43	0
29	Affrays, ... With violent breaches of the peace,	0	0	0	0	0	0	0	0
30	Assaults with wounding or personal injury,	0	4	0	4	0	4	0	0
31	Arson,	0	2	0	2	2	0	0	0
32	Forgery or uttering forged deeds,	0	1	0	1	1	0	0	0
33	Suttee, aiding and abetting,	0	0	0	0	0	0	0	0
34	All miscellaneous crimes and offences not included in the above,	34	148	0	182	51	83	1	45
	Total,	122	535	0	657	171	318	48	118

REMARKS.

Under Trial.	
Males,	636
Females,	21
Total	657

Convicted and Sentenced.	
To Death,	38
Transportation,	0
Imprisonment for life,	81
21 years,	1
16 "	0
15 "	0
14 "	60
13 "	0
12 "	0
11 "	0
10 "	14
9 "	0
8 "	0
7 "	38
6 "	8
5 "	15
4 "	2
3 "	23
2 "	15
1½ "	1
1 "	19
Less than 1 "	3
Fined and discharged,	0
Total convicted and sentenced,	318
Total acquitted and discharged,	171
Died in jail,	2
Escaped after commitment,	0
Sent back,	48
Remaining for trial,	118
Total under trial,	657

	Rs.	As.	P.
Fines imposed under Regn. II. 1834,			
Amount realized,			

J. HAWKINS, *Register.*

ABSTRACT of Statements Nos. 1, 12, *and* 14, *on the administration of Criminal Justice for the Year* 1838.

ZILLAHS.	Abstract of Statement No. 1, shewing the number of prisoners brought to trial, &c. before the Magistrates, Assistants and Sudder Ameens.									Abstract of Statement No. 12, shewing the number of prisoners committed for trial, &c. before Session Judges and the Commissioner of Cuttack.										Abstract of Statement No. 14, shewing the number of prisoners referred for trial, &c. to the Nizamut Adawlut.									
	Remaining on the 1st January, 1838.	Apprehended.	Total.	Convicted.	Discharged.	Committed.	Casualties.	Transferred to other Districts.	Remaining on the 31st December, 1838.	Pending 1st January, 1838.	Committed.	Received back after reference to the Nizamut Adawlut.	Total.	Convicted.	Acquitted.	Referred.	Casualties.	Commitment annulled.	Pending on the 31st December, 1838.	Pending on the 1st January, 1838.	Specially referred.	Not specially referred.	Total.	Convicted.	Acquitted.	Insane.	Casualties.	Returned after reference to the Nizamut Adawlut.	Remaining on the 31st December, 1838.
Behar, ... Jail, ...	8	32	2223	2255	1030	896	258	0	0	Jail, ... 25	71	1	259	0	260	108	77	61	1	2	11	12	58	0	70	39	28	0	0	0	3
Bail, ...	24									Bail, ... 46																					
Patna, ... Jail, ...	4	17	2471	2488	1361	964	129	2	8	Jail, ... 20	24	16	145	0	161	83	49	8	0	16	5	1	8	0	9	7	1	0	0	0	1
Bail, ...	13									Bail, ... 4																					
Sarun, ... Jail, ...	37	104	1295	1399	575	671	118	2	5	Jail, ... 17	28	2	118	0	120	66	25	7	0	0	22	0	12	0	12	4	7	0	0	0	1
Bail, ...	67									Bail, ... 11																					
Chumparun, ... Jail, ...	18	32	1135	1167	618	490	39	1	0	Jail, ... 7	19	13	39	0	52	12	14	8	1	1	16										
Bail, ...	14									Bail, ... 12																					
Shahabad, ... Jail, ...	3	24	1716	1740	812	737	124	1	1	Jail, ... 24	65	10	124	0	134	75	19	28	0	0	12	0	28	0	28	7	7	0	0	0	14
Bail, ...	21									Bail, ... 41																					
Bhagulpore, ... Jail, ...	4	7	1912	1919	1471	348	84	0	2	Jail, ... 7	14	14	120	1	135	70	42	18	1	1	3	9	18	0	27	27	0	0	0	0	0
Bail, ...	3									Bail, ... 7																					
Monghyr, ... Jail, ...	3	21	1310	1331	997	269	36	0	6	Jail, ... 10	23																				
Bail, ...	18									Bail, ... 13																					
Purnea, ... Jail, ...	7	39	1360	1399	820	439	113	4	0	Jail, ... 9	23	69	113	1	183	132	25	23	2	1	0	0	23	0	23	2	14	0	0	1	6
Bail, ...	32									Bail, ... 14																					
Tirhoot, ... Jail, ...	6	33	1886	1919	1296	495	82	14	0	Jail, ... 0	32	0	82	0	82	60	15	7	0	0	0	0	16	0	16	9	0	0	0	0	7
Bail, ...	27									Bail, ... 32																					
Dinagepore, ...	0	0	1494	1494	1045	300	127	0	4	Jail, ... 17	18	20	238	0	258	148	77	16	1	10	6	49	16	0	65	31	28	0	2	0	4
Malda ..... Jail, ...	1	3	705	708	334	238	103	3	6	Bail, ... 1																					
Bail, ...	2									Jail, ... 15	24																				
Rajshahye, ... Jail, ...	0	19	1540	1559	838	529	112	4	3	Bail, ... 9																					
Bail, ...	19									Jail, ... 13	73	51	224	0	275	78	71	22	2	1	101	0	22	0	22	5	6	0	0	0	11
Pubna, ... Jail, ...	13	84	1521	1605	946	456	112	7	8	Bail, ... 60																					
Bail, ...	71									Jail, ... 29	76																				
Rungpore, ... Jail, ...	0	6	1658	1664	1279	209	130	2	10	Bail, ... 47																					
Bail, ...	6									Jail, ... 19	34	13	142	0	155	105	19	10	1	0	20	2	10	0	12	12	0	0	0	0	0
Bogra, ... Jail, ..	0	1	348	349	203	111	12	1	0	Bail, ... 15																					
Bail, ...	1									Jail, ... 6	22																				
Beerbhoom, ... Jail, ...	4	7	2684	2691	1749	766	137	0	11	Bail, ... 16																					
Bail, ...	3									Jail, ... 22	28	0	137	0	137	55	33	34	0	0	15	0	34	0	34	13	16	0	0	0	5
Moorshedabad, ... Jail, ...	63	150	1886	2036	1302	567	72	14	23	Bail, ... 6																					
Bail, ...	87									Jail, ... 21	58	2	72	1	75	49	9	13	1	0	3	1	13	0	14	3	1	0	0	1	9
East Burdwan, ... Jail, ..	2	17	1470	1487	535	474	50	13	313	Bail, ... 37																					
Bail, ...	15									Jail, ... 36	102	15	50	0	65	27	23	1	0	12	2	0	1	0	1	1	0	0	0	0	0
West Burdwan, ... Jail, .	25	56	1491	1547	787	663	27	3	36	Bail, ... 66																					
Bail, ...	31									Jail, ... 2	31	13	27	0	40	23	12	4	0	0	1	0	4	0	4	2	0	0	0	0	2
Hooghly, ... Jail, ...	26	69	2815	2884	1261	1275	99	19	9	Bail, ... 29																					
Bail, ..	43									Jail, ... 165	221	20	99	0	119	42	27	27	0	0	23	12	27	0	39	29	10	0	0	0	0
Dacca, ... Jail, ...	13	55	1389	1444	901	321	110	37	1	Bail, ... 56																					
Bail, ...	42									Jail, ... 17	74	3	110	0	113	46	38	21	0	0	8	8	25	0	33	9	14	0	0	0	10
Furreedpore, ... Jail, ...	2	15	952	967	697	164	62	0	4	Bail, ... 57																					
Bail, ...	13									Jail, ... 5	40	10	62	0	72	50	12	5	0	0	5										
Mymensing, ... Jail, ...	41	86	2192	2278	1282	615	255	84	8	Bail, ... 35																					
Bail, ...	45									Jail, ... 8	34	62	257	7	326	137	74	67	0	0	48	0	64	0	64	18	10	0	0	1	35
Sylhet, ... Jail, ...	20	69	2272	2341	1306	796	104	11	2	Bail, ... 26																					
Bail, ...	49									Jail, ... 31	122	0	104	0	104	76	20	4	1	0	3	3	47	0	50	1	4	0	0	43	2
Chittagong, ... Jail, ...	5	38	1479	1517	797	589	91	1	0	Bail, ... 91																					
Bail, ...	33									Jail, ... 25	39	6	87	0	93	54	27	11	0	0	0	0	11	0	11	8	0	0	0	0	3
Bullooah, ... Jail, ...	0	5	131	136	70	65	0	0	1	Bail, ... 14																					
Bail, ...	5									 0	0																				
Tipperah, ... Jail, ...	2	15	1665	1680	1081	487	59	2	13	Jail, ... 5	38	1	73	0	74	49	8	8	0	0	9	14	8	0	22	16	4	0	0	0	2
Bail, ...	13									Bail, ... 33																					
Noacolly, ... Jail, ...	10	24	731	755	442	272	14	2	16	Jail, ... 2	9																				
Bail, ...	14									Bail, ... 7																					
Jessore, ... Jail, ...	11	35	1430	1465	801	493	133	4	0	Jail, ... 22	34	20	133	0	153	108	8	10	0	0	27	0	10	0	10	9	1	0	0	0	0
Bail, ...	24									Bail, ... 12																					
Backergunge, ... Jail, ...	23	38	2357	2395	1966	250	101	4	2	Jail, ... 32	72	1	101	0	102	53	4	41	1	1	2	0	41	0	41	38	2	0	0	0	1
Bail, ...	15									Bail, ... 40																					
Nuddea, ... Jail, ...	20	35	1677	1712	963	507	124	0	14	Jail, ... 43	104	31	125	0	156	87	47	2	0	1	19	1	2	0	3	3	0	0	0	0	0
Bail, ...	15									Bail, ... 61																					
24-Pergunnahs, ... Jail, ...	9	23	2315	2338	1732	508	43	3	3	Jail, ... 5	49	2	43	0	45	36	5	4	0	0	0	1	8	0	9	5	3	0	0	0	1
Bail, ...	14									Bail, ... 44																					
Baraset, ... Jail, ...	47	106	943	1049	534	435	42	3	0	Jail, ... 0	35	0	42	0	42	12	22	4	0	4	0										
Bail, ...	59									Bail, ... 35																					
Cuttack, ... Jail, ...	7	11	1022	1033	561	429	31	0	0	Jail, ... 2	12	0	72	0	72	10	47	15	0	0	0	3	21	0	24	16	5	0	0	2	1
Bail, ...	4									Bail, ... 10																					
Sn. Division Cuttack, ... Jail, ...	18	22	551	573	297	198	35	1	0	Jail, ... 25	42																				
Bail, ...	4									Bail, ... 17																					
Balasore, ... Jail, ...	13	25	332	357	152	167	20	0	0	Jail, ... 9	18	0	20	0	20	6	10	4	0	0	0										
Bail, ...	12									Bail, ... 9																					
Midnapore, ... Jail, ...	21	46	2315	2361	1344	770	139	7	2	Jail, ... 15	99	28	139	0	167	137	18	8	0	0	4	6	8	0	14	4	10	0	0	0	0
Bail, ...	25									Bail, ... 84																					
Total..... Jail, ...	486	1369	56673	58042	34185	17963	3327	249	511	Jail, ... 710	1807	423	3357	10	3790	2031	841	491	12	50	365	122	535	0	657	318	171	0	2	48	118
Bail, ...	883									Bail, ... 1097																					

J. HAWKINS, *Register.*

No. 13.

STATEMENT shewing the number of Appeals preferred to the Nizamut Adawlut in the Year 1838, from Sentences passed by the Commissioners of Circuit and Session Judges in Criminal Trials and from Orders passed by those Officers in Appeal from the decisions of Magistrates in regular Trials, &c. and the manner in which the Appeals were disposed of; together with an Abstract Statement of Criminal Trials decided by the Nizamut Adawlut during the same Year.

		1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.
		From Sentences of Commissioners of Circuit and Session Judges on Criminal Trials, including the cases called for on inspection of the Statements.						From Orders passed by the Commissioners and Session Judges in appeal from the Orders of Magistrates in regular trials, &c.								
		Pending on the 1st January, 1838.	Preferred during the year.	Total.	Order confirmed.	Order modified or reversed.	Pending at the end of the year.	Pending on the 1st January, 1838.	Preferred during the year.	Total.	Order confirmed.	Appeal rejected as not cognizable.	Order modified or reversed.	Withdrawn from file.	Cases referred for the order of Government.	Pending at the end of the year.
11th Division.	Commissioner of Circuit,..	0	2	2	0	2	0	1	4	5	2	0	1	2	0	0
	Session Judge of Shahabad,	2	6	8	5	3	0	3	15	18	9	0	2	6	0	1
	Ditto Sarun, ..	0	4	4	0	3	1	2	6	8	2	0	0	4	0	2
	Ditto Behar,	14	13	27	17	6	4	2	9	11	5	0	0	6	0	0
	Ditto Patna,	0	2	2	1	0	1	0	3	3	3	0	0	0	0	0
12th Division.	Commissioner of Circuit,	1	0	1	0	1	0	0	4	4	3	0	0	1	0	0
	Session Judge of Tirhoot,	0	4	4	2	0	2	1	11	12	2	0	0	3	0	7
	Ditto Bhagulpore,	1	7	8	3	5	0	1	10	11	6	0	3	1	0	1
	Ditto Purnea,	2	6	8	2	5	1	0	7	7	3	0	3	1	0	0
13th Division.	Commissioner of Circuit,	0	0	0	0	0	0	0	3	3	0	1	0	2	0	0
	Session Judge of Dinagepore,	0	5	5	1	3	*1	1	6	7	2	0	0	4	0	1
	Ditto Rajshahye,	0	1	1	1	0	0	4	5	9	5	0	0	4	0	0
	Ditto Rungpore,	1	2	3	2	0	1	0	1	1	1	0	0	0	0	0
14th Division.	Commissioner of Circuit,	2	0	2	0	2	0	1	2	3	2	1	0	0	0	0
	Session Judge of Moorshedabad,	1	3	4	2	2	0	1	12	13	8	0	0	5	0	0
	Ditto Beerbhoom,	0	1	1	1	0	0	0	10	10	4	0	2	0	0	4
	Ditto Nuddea,	0	5	5	2	3	0	1	24	25	11	0	1	10	0	3
	Ditto E. Burdwan,	1	0	1	1	0	0	4	5	9	5	0	0	3	0	1
	Ditto W. Burdwan,	0	1	1	0	1	0									
15th Division.	Commissioner of Circuit,	0	0	0	0	0	0	3	6	9	4	1	1	3	0	0
	Session Judge of Mymensing,	0	3	3	2	1	0	2	14	16	9	0	2	3	0	2
	Ditto Dacca,	1	2	3	3	0	0	14	33	47	26	0	5	13	0	3
	Ditto Backergunge,	1	6	7	5	1	1	2	13	15	5	0	3	5	0	2
	Ditto Sylhet,	2	11	13	4	3	6	4	14	18	3	0	0	12	0	3
16th Division.	Commissioner of Circuit,	1	0	1	0	1	0	2	2	4	1	0	1	2	0	0
	Session Judge of Chittagong,	2	6	8	4	4	0	7	17	24	10	0	2	9	0	3
	Ditto Tipperah,	3	2	5	1	4	0	8	13	21	4	0	4	10	0	3
17th Division.	Commissioner of Circuit,	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0
18th Division.	Commissioner of Circuit,	0	0	0	0	0	0	1	1	2	0	0	0	2	0	0
	Session Judge of Jessore,	1	3	4	3	1	0	6	21	27	7	0	4	15	0	1
	Ditto 24-Pergunnahs,	3	9	12	7	5	0	4	31	35	17	0	3	12	0	3
	Ditto Hooghly,	0	4	4	4	0	0	0	17	17	13	0	1	3	0	0
19th Division.	Commissioner of Circuit,	1	0	1	1	0	0	0	2	2	1	0	0	1	0	0
	Session Judge of Midnapore,	0	4	4	2	1	1	0	21	21	8	0	1	8	0	4
	Ditto Cuttack,	1	3	4	1	3	0	1	2	3	3	0	0	0	0	0
Governor General's Agent at Hazareebagh,		0	0	0	0	0	0	0	1	1	1	0	0	0	0	0
Commissioner of Arracan,		0	1	1	1	0	0	1	2	3	0	1	1	0	0	1
Commissioner of Tenasserim Provinces,		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Political Agent of Cheerapoongee,		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total,		41	117	158	79	60	19	77	347	424	185	4	40	150	0	45
					139						379					

* 1 Died in Jail.

Abstract Statement of Criminal Trials decided by the Court of Nizamut Adawlut for the Lower Provinces in the year 1838, and of the number depending at the end of that Year.

	Trials referred under the Regulations.	Trials called for.	Total.
Depending on the 1st January, 1838, ...	53	41	94
Received in the year 1838, ...	197	117	314
Total,	250	158	408
Decided in the year 1838, ...	216	139	355
Depending on the 1st January, 1839, ...	34	19	53

Of the 355 Trials decided during the year

Mr. Rattray recorded his opinion on	158
„ Braddon ditto ditto ditto...	206
„ Halhed ditto ditto ditto...	67*
„ Hutchinson ditto ditto ditto	119
„ Harding ditto ditto ditto	10
„ Money ditto ditto ditto	162
„ Reid ditto ditto ditto	35
Total,	757

J. HAWKINS, *Register.*

STATEMENT shewing the general average number of days between Proceedings in cases referred to the Presidency Nizamut Adawlut during the year 1838.

ZILLAHS.	1. No. of Cases.		2. Average number of days between date of crime and date of apprehension.		3. Average number of days between date of apprehension and date of commitment.		4. Average number of days between date of commitment and date of reference to the Nizamut Adawlut.		5. Average number of days between reference and date of receipt by the Nizamut Adawlut.		6. Average number of days between date of receipt and sentence by the Nizamut Adawlut.		7. Total number of days.	
Session Judge of Beerbhoom,	11		15		25		13		16		23		92	
" " " Burdwan,	4		15		116		50		7		25		213	
" " " Bhagulpore,	11	†5	133	4	42	31	34	26	17	17	34	36	260	114
" " " Behar,	20	19	69	31	20	20	44	44	15	16	24	24	172	135
" " " Backergunge,	14	12	60	21	31	34	35	35	16	17	26	25	168	132
" " " Cuttack,	8	6	77	9	31	35	38	17	17	19	26	29	189	109
" " " Chittagong,	4		4		61		21		23		20		129	
" " " Dacca,	7	6	198	43	31	34	25	27	14	14	24	22	292	140
" " " Dinagepore,	6		9		28		52		10		60		159	
" " " Hooghly,	9		1		23		16		24		35		99	
" " " Jessore,	3		9		61		42		17		42		171	
" " " Midnapore,	6	5	92	2	46	53	69	68	5	4	29	33	241	160
" " " Mymensing,	15	12	391	76	73	74	45	46	17	17	55	51	581	264
" " " Moorshedabad,	7		2		62		34		12		41		151	
" " " Nuddea,	2	1	512	1	39	63	12	9	36	34	15	14	614	94
" " " Purnea,	8		30		63		49		32		26		200	
" " " Patna,	6		22		22		19		30		20		113	
" " " Rajshahye,	5		11		44		85		11		26		177	
" " " Rungpore,	3	2	2	2	29	37	10	13	29	38	25	34	95	124
" " " Sylhet,	5		17		35		87		17		15		171	
" " " Sarun,	4		14		24		55		20		11		124	
" " " Shahabad,	10	8	191	47	23	21	23	24	19	19	33	36	289	147
" " " Tirhoot,	6		94		59		14		19		43		229	
" " " Tipperah,	6		6		19		32		30		39		126	
" " " 24-Pergunnahs,	6		9		51		32		8		31		131	
	186		1983		1058		936		461		748		5186	
			79		42		38		18		30		207	
		*166		*494		*1068		*910		*471		*761		*3704
				*20		*43		*36		*19		*30		*148

8. REMARKS.

Note 1. In 7 cases a delay of more than one year, In 3 of more than two years, In 1 of more than three years, In 1 of more than thirteen years, } Took place in the apprehension of the prisoners.
In 8 cases the date of commission of crime could not be ascertained.

Total 20 cases, rejected in forming the separate average — denoted by asterisks.

Note 2. The delay occasioned by calling for further proceedings &c. occupied 482 days, whence the average delay in each case was (482÷166) nearly 3 days, and this number deducted from 30, the average in the 6th column, gives 27, the average number of days occupied by each case in the Nizamut Adawlut.

† *The following remarks are made with the view of explaining the manner in which this Statement has been prepared*

The first row of figures in column 1 includes the *whole* of the cases referred to the Nizamut Adawlut from each district. Such cases, in any district, as have been affected by extraordinary delay in the apprehension of criminals, or by other causes, being excluded from the *total* of that district, the remainder is entered in the second row of figures. Thus, none of the 4 cases referred from Burdwan were marked by any extraordinary delay in any stage of the proceedings. But of the 11 cases from Bhagulpore, 6 were affected by delay in effecting the apprehension of the criminals, and these 6 being rejected, 5, the remainder, is set down in the 2d row. Taking the whole of the 11 mixed cases, the average number of days between the date of commission of crime and that of capture of the criminals, amounts to 133; but only 4 days elapsed between those two dates in each of the 5 ordinary cases.

The total of the referred cases is 186, and the total of the referred cases in which there has been no extraordinary delay, is 166, separately entered with an asterisk prefixed. The number of days that elapsed between date of crime and date of apprehension of criminal, in a case of the former class was, on an average, 79 days; but only 20 days were occupied, on an average, by a case of the latter class.

J. HAWKINS, *Register.*

No. 3323½.

To F. J. Halliday, Esquire,

Secretary to Government in the Judicial Department.

Sir,

I am directed by the Court to request that you will lay before the Honorable the Deputy Governor, the accompanying copy of their Resolutions on the Annual Criminal Statements of the Extra Regulation Districts of Hazareebagh, Assam, and Tenasserim.

Nizamut Adawlut.
Present:
R. H Rattray, W Braddon, and C. Tucker, Esquires, Judges.

2. The Court have received no Statements from the Commissioner of Arracan, though his attention was drawn to the circumstance in sufficient time to admit of his supplying the omission. Another call will be made on that Officer; and the result of the Court's review of the Statements, when received, will be separately laid before Government.

I am, Sir,

Your Obedient Humble Servant,

J. HAWKINS,

Register.

Fort William,
The 6th December, 1839.

Assam.

GOWALPARAH.
MAGISTRATE'S COURT.

Ensign T. Brodie was in charge of this district until the 1st February, when he was relieved by Captain H. Rutherford, who continued in charge to the end of the year.

* Acquitted,		93
Convicted,		121
Committed,		35
Under trial—		
In jail,	1	21
On bail,	20	
		270

At the close of the year 1837, there were 11 persons under trial, viz. 6 in jail and 5 on bail or personal recognizance; and 259 persons were apprehended or summoned during the year 1838, making a total of 270. These persons were disposed of as noted in the margin.*

* Heinous crimes,		198
Apprehended,	98	
Acquitted,	27	
Convicted,	40	
Petty Offences,		82
Apprehended,	161	
Acquitted,	66	
Convicted,	81	

The marginal statement* shews the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." The results are very satisfactory. Five persons were discharged in consequence of Razeenamehs having been filed, and 12 from non-attendance of prosecutors.

* In jail,	1
On bail,	20
	21

The number of persons in jail and on bail, on the 31st of December last, is noted in the margin.*

No persons were in confinement, on requisition of security for good conduct, at the close of the year.

* *Regular trials.*		
Pending of 1837,		6
Preferred in 1838,		2
		8
Confirmed,	7	
Pending,	1	8
Miscellaneous cases.		
Pending of 1837,		2
Preferred in 1838,		1
		3
Confirmed,	1	
Pending,	2	3

The number of appeals preferred from the decisions of the Magistrate in criminal trials and miscellaneous cases, and the result thereof, are noted in the margin.* The statement is satisfactory.

KAMROOP.
MAGISTRATE'S COURT.

* Acquitted,	526
Convicted	264
Committed,	16
Under trial,	16
	822

Captain Matthie had charge of the district from the commencement of the year to the 12th of February, when he was relieved by Ensign Brodie. He resumed his office on the 20th June, and was again relieved by Mr. Hudson on the 23d October; and on the 21st November he re-assumed charge and continued to the end of the year.

At the close of the year 1837, there were 119 persons under examination, viz. 17 in jail and 102 on bail or personal recognizance, and 703 persons were apprehended or summoned during the year 1838, making a total of 822. These persons were disposed of as noted in the margin.*

The marginal statement* shews the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." The Court regret that the proportion of convictions to acquittals in this district, is still extremely unsatisfatory, and that the remark made on this point in their last report, has produced no marked effect. They observe that 91 persons were discharged in consequence of Razeenamehs having been filed, and 13 from non-attendance of prosecutors.

* Heinous crimes, ... 226
Apprehended, ... 246
Acquitted, ... 123
Convicted, ... 143
Petty offences, ... 199
Apprehended, ... 457
Acquitted, ... 403
Convicted, ... 121

Sixteen persons were under examination on bail on the 31st of December last. This statement is satisfactory.

No persons were in confinement, on requisition of security for good conduct, at the close of the year.

The number of appeals preferred from the decisions of the Magistrate in criminal trials and miscellaneous cases, and the mode in which they were disposed of, are noted in the margin.*

Regular trials.
Pending of 1837, ... 4
Preferred in 1838, ... 10
— 14
Confirmed, ... 6
Modified, ... 5
Pending, ... 3
— 14
Miscellaneous cases.
Preferred in 1838, ... 10
Confirmed 2
Modified, ... 5
Pending, ... 3
— 10

Durung. Magistrate's Court.

This district was under charge of Captain Vetch from the 1st January to the 13th September, when Lieutenant Bigge relieved him and officiated to the 7th of November, on which date Captain Vetch resumed charge and continued to the end of the year.

At the close of the year 1837, there were 27 persons under examination, viz. 8 in jail and 19 on bail or personal recognizance, and 669 persons were apprehended or summoned during the year 1838, making a total of 696. These persons were disposed of in the manner noted in the margin.*

* Acquitted, ... 397
Convicted, ... 279
Committed, ... 4
Under trial—
In jail, ... 3 } 16
On bail, ... 13 }
696

The marginal statement* shews the number apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." The results in this district continue unfavorable. The number of persons discharged by compromises and through the non-attendance of prosecutors, is not given in the statements.

* Heinous crimes, ... 291
Apprehended, ... 246
Acquitted, ... 153
Convicted, ... 109
Petty offences, ... 120
Apprehended, ... 423
Acquitted, ... 244
Convicted, ... 170

The number of persons in jail and on bail, on the 31st December last, is noted in the margin.*

* In jail, ... 3 } 16
On bail, ... 13 }

No person was in confinement, at the close of the year, on requisition of security for good conduct.

One appeal was preferred during the year from the Magistrate's decisions in a regular trial, and the order passed by that officer reversed.

NOWGONG.
MAGISTRATE'S COURT.

Lieutenant Backhouse held charge of this district from 1st January to 31st July, and Ensign Brodie from 1st August to the 17th of September, on which date the former officer resumed his office. On his death, which took place on the 19th October, Lieutenant Bigge took charge of the district and retained it to the end of the year.

* In the Report for 1837 the number is stated at 44	
† Acquitted, ...	477
Convicted, ...	305
Committed, ...	25
Under trial, ...	5
	812

At the close of the year 1837 there were 45* persons under trial, viz. 11 in jail and 34 on bail or personal recognizance, and 767 persons were apprehended or summoned during the year 1838, making an aggregate of 812. These persons were disposed of in the manner indicated in the margin.†

* Heinous crimes, ...		203
Apprehended, ...	447	
Acquitted, ...	286	
Convicted, ...	149	
Petty offences, ...		154
Apprehended, ...	320	
Acquitted, ...	191	
Convicted, ...	156	

The statement entered in the margin* shews the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." The results are by no means satisfactory. The Court observe that 16 persons were punished for neglect of duty; but that there is no information as to the number of persons discharged in consequence of compromises or the neglect of prosecutors.

* In jail, ...	1	5
On bail, ...	4	

The number of persons under trial at the close of the year, is noted in the margin.*

Four persons were in confinement in this district, at the close of the year, in default of security for good conduct.

* *Regular trials.*		
Preferred, ...		3
Confirmed, ...	1	
Reversed, ...	2	
		3
Miscellaneous cases.		
Preferred and not disposed of, ...		1

The marginal statement* shews the number and result of the appeals preferred during the year from the Magistrate's orders in regular trials and miscellaneous cases.

SESSIONS COURT.

* Gowalparah, ...	35
Kamroop, ...	16
Durung, ...	4
Nowgong, ...	25
	80
Discrepancy, ...	2
	78
† Acquitted, ...	12
Convicted, ...	51
Referred to Nizamut Adawlut, ...	5
Died, ...	1
Under trial, ...	31
	100
Discrepancy, ...	1
	99

At the close of the year 1837 there were 21 persons under trial and 78* persons were committed during the year 1838, making a total of 99. They were disposed of as noted in the margin.† The Deputy Commissioner has overlooked the instructions of the Court, in their last Report, to state "the number of convictions and acquittals for each district." To this information should be added the name of the committing officer.

One case was called for on revision of the statements at the English sittings, but the Court saw no reason to interfere with the sentence passed by the Commissioner.

The cases of five prisoners were referred to the Nizamut Adawlut during the year, of whom one was acquitted and the rest convicted.

The following is an abstract of the sentences passed upon the prisoners convicted during the year 1838, in the several districts under the jurisdiction of the Commissioner of Assam.

By the Nizamut Adawlut.

Death,	1
Imprisonment for life,	3
	4

By the Commissioner.

Imprisonment from 6 to 9 years,	7
" " 3 to 5 ditto,	35
" " 2 ditto,	2
" " 1 ditto,	3
Fined,	4
	51

By the Magistrate of Gowalparah and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	32
Less than 6 months,	14
Fined,	67
Required to give security,	4
Discharged from employ,	4
	121

By the Magistrate of Kamroop and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	63
Less than 6 months,	83
Fined,	113
Required to furnish security,	5
	264

By the Magistrate of Durung and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	77
Less than 6 months,	26
Fined,	171
Required to furnish security,	5
	279

By the Magistrate of Nowgong and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	74
Less than 6 months,	66
Fined,	149
Required to give security,	12
Dismissed from office,	4
	305

GENERAL REMARKS.

The statements were submitted by Captain Matthie, the Deputy Commissioner, with a carefully prepared Report.

The following table exhibits the comparative state of crime in the several districts in the years 1837 and 1838, the number brought to trial, acquitted, and convicted, and the proportion per cent. which the acquittals bear to the convictions, inclusive of commitments.

Districts.	Years.	Number of Crimes.	Number of Persons brought to Trial.	Acquitted	Convicted.	Committed.	Ratio of Acquittals to Convictions.
Gowal-parah.	1837	272	334	153	146	24	111 per cent.
	1838	280	270	93	121	35	59 „
Kamroop.	1837	616	1666	1025	470	52	196 „
	1838	425	822	526	264	16	187 „
Durung.	1837	483	965	581	325	32	162 „
	1838	411	696	397	279	4	140 „
Nowgong.	1837	644	1174	861	260	9	320 „
	1838	357	812	478	305	24	145 „

Aggregate of crimes in 1837,	2015
Ditto „ „ 1838,	1473
Decrease,	542

The decrease of crime which is exhibited, is attributed partly to the vigilance of the police and the improving condition of the country, and partly to the operation of Regulation II. of 1832. "Upon the whole (the Deputy Commissioner remarks) I trust the Court of Nizamut Adawlut will be satisfied that there has been a great decrease in the number of crimes committed during the last, compared with the preceding year in every division, which I trust may be attributed to greater vigilance on the part of the Police Officers, and a general improvement in the condition of the lower classes, who may always meet with employment and a respectable livelihood now-a-days, if they offer their services in the construction of the public and numerous private works now being erected in this province, and who are all lightly assessed. I must, however, observe that I consider the great decrease of crime shown in the Statements No. 1, to have been occasioned in some measure by the enforcement, particularly during the last year, of the provisions of Regulation II. of 1832, by which Darogahs, in cases of burglary and theft unattended with personal violence, are not allowed to make a local investigation except on the requisition of those robbed, or by orders from the Magistrate, which, I suspect, was not clearly understood before either by the police or fiscal officers, or the people."

It is not clear from the foregoing passage if all crimes ascertained to have been committed within the year are entered in the Statements, whether they be investigated or not. If a contrary practice exists in the province, the Deputy Commissioner should instruct the Principal Assistants in charge of districts to require the police officers to report all crimes which are committed, and of the commission of which there is no reason to entertain doubts.

The following remarks of the Deputy Commissioner are here inserted as throwing light on the state of crime in Assam :

"The most prevailing crimes in Assam are burglary and theft,* but they are all of the most simple and trifling description, seldom if ever attended with any violence or force whatsoever. These offences are all over Assam very easily committed, as the dwellings of the inhabitants are constructed of the most frail materials, and no precautions are taken by the people to secure property.

* The Dooms or Fishermen caste are the chief offenders.

"The few cases of dacoity that are committed in Assam are now very seldom of a heinous nature, or attended with violence. A simple robbery, if three or four persons are concerned, particularly if it should happen that the offenders are Cocharries,* is called dacoity in Assam.

* It is by this tribe that serious robberies and dacoities are generally committed.

"Murder or homicide in any shape, either justifiable, excusable or felonious, is of rare occurrence in the divisions of Assam. Many of the cases which are occasionally reported to be such turn out, after investigation, to be natural deaths occasioned by protracted disease, and often, I am sorry to say, preferred evidently from malice, which cannot be ascertained or even suspected before an investigation is made; and even then it is difficult to prove a charge of perjury against the false informers, as care is taken to evade positive statements, and matter is brought forward which, although not directly criminal, excites suspicion at the onset against the accused, and appears to warrant information having been given against them."

The great inequality between convictions and acquittals in all the districts save one, (Gowalparah,) has been noticed. On this point Captain Matthie remarks:

"It is, however, manifest by the great decrease of acquittals compared with convictions amongst those apprehended in every division during the year under report, that great attention has been given to the subject of the Court's remarks on the criminal returns of former years."

The table already given certainly shews that the proportion between convictions and acquittals has been greatly reduced in most of the districts. In Gowalparah the acquittals have fallen from 111 to 59 per cent. and in Nowgong from 320 to 145 per cent., but in Durung the difference is not great and in Kamroop almost imperceptible. But the Court consider the ratio still very high in the three last mentioned districts. They will request the Deputy Commissioner to direct his attention in an especial manner to this point.

The Court approve of the alterations which are proposed by Captain Matthie, in the following passage of his report. They are gratified to learn that the rules for the administration of criminal justice in Assam are attended with the signal benefits mentioned by him in the succeeding remarks.

"I have altered the heading of Statement No. 12, with reference to the provision of Clauses 4 and 7 of Section 1 of the new Rules for the Administration of Criminal Justice in Assam, by which the Principal Assistants in charge of divisions have to conduct the trial, in the first instance, of all persons charged with offences, and all cases of an aggravated nature are tried before them and a native jury, and only the proceedings with the verdict of a jury and the Principal Assistant's opinion thereon, transmitted for the order of this Court. I also propose altering the 12th column of the Magistrate's Statement No. 1, and all other forms which advert to the same subject, as per margin,* should the Court see no objections to it."

* At present, "Committed to the Sessions." Proposed: "Referred to Commissioner of Circuit."

"The system adverted to in the 75th paragraph* is, I conceive, one of the most judicious that could have been devised by the legislature for effecting alike speedy and efficient justice. Cases for crimes of a heinous nature are under the operation of those rules completely disposed of, in all the divisions of Assam, in as many days as they would require weeks (in some instances months) if regular Sessions were held at each, and the prisoners detained until the Circuit Commissioner could visit them; and I am well aware it is considered most satisfactory by the people of all ranks, for although their expenses for food were defrayed by the state, while detained for the regular Sessions, yet many of them suffered such serious domestic inconvenience by being brought into the Sudder station, a considerable distance from their homes and families, that no pecuniary allowance could be adequate compensation, and prisoners committed for trial were often detained in jail for long periods, and after all acquitted at the Sessions; all these disadvantages, to say nothing of the great expense for the subsistence of the prosecutors and witnesses, are done away with in all the divisions of Assam; and since my appointment as Deputy Commissioner, with the powers of a Session and Civil Judge, I trust to be able to give such attention to the speedy disposal of all cases both in the Magistrate's and all other Judicial Courts, as well as my own, as will keep the Hajut jails clear of any number of persons waiting for trial."

* The system of trying serious offences with the aid of a jury and referring the proceedings to the Commissioner for his orders.

Hazareebagh.

HAZAREEBAGH. MAGISTRATE'S COURT.

Captain L. Bird, Principal Assistant to the Governor General's Agent, had charge of this district during the past year.

During the year 1838, 555 persons were apprehended or summoned, and they were disposed of in the manner noted in the margin.*

* Acquitted,	243
Convicted,	305
Committed,	2
Died,	1
Escaped,	2
Under trial in jail,	2
	555

The statement entered in the margin* shews the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." The proportion of convictions to acquittals is considered satisfactory.

* Heinous crimes,		91
Apprehended,	354	
Acquitted,	159	
Convicted,	195	
Petty offences,		76
Apprehended,	201	
Acquitted,	84	
Convicted,	115	

There were only 2 persons under trial in jail at the close of the year.

There were no persons in confinement, at the close of the year, on requisition of security for good conduct.

The appeals preferred from the decisions of the Principal Assistant, and the manner in which they were disposed of, are given in the margin.* The results are satisfactory.

* Pending of 1837,		1
Preferred in 1838,		22
		23
Confirmed,	14	
Modified or reversed,	7	
Pending,	2	
		23

MANBHOOM. MAGISTRATE'S COURT.

Lieutenant J. Hanyngton was in charge of this district during the year 1838.

At the close of the year 1837, there were 29 persons under examination, viz. 14 in jail and 15 on bail or personal recognizance, and 945 persons were apprehended or summoned during the year 1838, making a total of 974. These persons were disposed of in the manner noted in the margin.*

* Acquitted,		474
Convicted,		390
Committed,		18
Died,		2
Escaped,		2
Transferred to other jurisdictions,		19
Under trial:		
In jail,	45	69
On bail,	24	
		974

The marginal statement* shews the number of persons apprehended, convicted, and acquitted in "heinous crimes" as well as in "petty offences." The proportion of convictions to acquittals on heinous charges is not satisfactory, and barely so with regard to minor offences.

* Heinous crimes,		282
Apprehended,	408	
Acquitted,	219	
Convicted,	133	
Petty offences,		308
Apprehended,	589	
Acquitted,	255	
Convicted,	257	

The number of persons under trial in jail and on bail on the 31st December, is noted in the margin.* The number is very considerable. Mr. Hanyngton's revenue duties are said to be heavy, and this may serve to account for the accumulation of cases

* In jail,	45	69
On bail,	24	

under examination. The Court have no information whether there was any necessity for detaining in jail the whole of the persons who were in duress, but they perceive from the statement that some of them are charged with inconsiderable offences.

No person was in confinement, at the close of the year, on requisition of security for good conduct.

Pending of 1837,.....	1
Preferred in 1838, ...	124
	125
Confirmed,.....	80
Reversed, ...	44
Pending,.....	1
	125

The number of appeals from the decisions of the Assistant, and the manner of their disposal, are noted in the margin.* The number of reversals is considerable.

LOHARDUGGA. MAGISTRATE'S COURT.

Mr. J. Davidson was in charge of this district during the past year.

* Acquitted, ...	236
Convicted, ...	327
Committed, ...	34
Died,.....	1
Under trial,.....	2
	600

At the close of the year 1837, there were 17 persons under trial, all in jail, and 583 persons were apprehended or summoned during the year 1838, making a total of 600. These persons were disposed of as noted in the margin.*

* Heinous crimes, ...		179
Apprehended, ...	412	
Acquitted, ...	170	
Convicted, ...	223	
Petty offences, ...		97
Apprehended, ...	171	
Acquitted, ...	66	
Convicted, ...	104	

The statement in the margin* shews the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." The results are very satisfactory.

Only two persons were under trial (in jail) at the close of the year.

Twelve persons were in confinement, at the close of the year, in default of security for good conduct.

Preferred in 1838, ...		87
Confirmed, ...	78	
Reversed,.....	7	
Pending, ...	2	
		87

The memorandum in the margin* shows the number of appeals from the decisions of the Assistant, and the manner in which they were disposed of. The result is very creditable to the judgment and attention of Mr. Davidson.

SESSSIONS COURT.

Captain T. Wilkinson, Agent to the Governor General, exercised the powers of Session Judge within these three districts during the past year.

* Acquitted, ...	14
Convicted, ...	22
Referred to Nizamut Adawlut, ...	21
Died,..... ..	1
Under trial, ...	6
	64

At the close of the year 1837, there were 10 persons under trial, and 54 persons were committed during the year, making a total of 64. These commitments were disposed of in the manner indicated in the margin.* One commitment, which was cancelled by the Governor General's Agent, has not been included in the number, in consequence of the Principal Assistant's having been directed to dispose of the case himself.

No trials were called for, in the past year, on revision of the jail delivery statements at the English sittings.

There were no prisoners under reference to the Nizamut Adawlut at the close of 1837: the number referred in 1838 was 21, and they were disposed of as noted in the margin.*

* Convicted,	20
Pending,	1
	21

The following is an abstract of the sentences passed on the prisoners convicted in these districts during the year 1837.

By the Nizamut Adawlut.

Death,	3
Imprisonment for life,	8
„ 10 years,	2
„ 7 years,	2
„ 2 to 5 years,	5
	20

By the Governor General's Agent.

Imprisonment for 12 years,	2
„ for 10 years	1
„ for 7 years and under,	19
	22

By the Principal Assistant at Hazareebagh.

Imprisonment for six months and not exceeding 3 years,	147
Less than 6 months,	92
Fined,	60
Required to furnish security,	1
Discharged from service,	5
	305

By the Principal Assistant at Manbhoom.

Imprisonment for six months and not exceeding 7 years,	115
Less than 6 months,	84
Fined,	161
Required to furnish security,	4
Discharged from service,	26
	390

By the Principal Assistant at Lohardugga.

Imprisonment for six months and not exceeding 7 years,...	174
Less than 6 months, ...	108
Fined and discharged,.....	28
Required to furnish security,.....	17
	327

GENERAL REMARKS.

The statements were submitted by Mr. J. Davidson, the Principal Assistant in charge of the Agency, but without any report on the state of the district or the proceedings of the officers in charge of the three districts.

The statements shew a very great reduction in the number of offences committed in 1838, (with the exception of murder and homicide,) as compared with the returns for the year 1837, as will appear from the following statement :

	1837.	1838.
Murder, including homicide, ...	27	24
Dacoity,.....	15	9
Highway Robbery, ...	19	15
Burglary, ...	207	161
Theft, &c., ...	412	312
Assaults with wounding, ...	42	21

The Agent to the Governor General was called upon to furnish a particular report on the point, after communicating with his Principal Assistants who had been attached to the districts throughout the year. The Principal Assistants ascribe the decrease of crime almost entirely to the year 1838 having proved a season of plenty ; and Major Ouseley remarks: "I attribute the chief improvement to the comparative plenty which the poor now enjoy, and hope that less crime will be apparent in the present year, for the season is particularly favourable. I should not attribute the diminution to suppression of reports of offences more this last year than the former. But as sufficient food was to be had by entering the jails in times of famine, a trifling offence was purposely committed and bungled, to procure apprehension, all of which naturally swelled the general total." This explanation is not very satisfactory.

26. The Court observe that Major Ouseley promises a particular report on the police of the division.

Tenasserim Provinces.

AMHERST.
MAGISTRATE'S COURT.

Mr. J. De LaCondamine was in charge of the Magistracy of this province during the year 1838.

There were no persons under examination at the close of the year 1837; 974 persons were apprehended or summoned during the year 1838, and disposed of in the manner noted in the margin.*

* Acquitted,	256
Convicted,	703
Committed,	8
Under trial in jail,	6
Discrepancy,	1
	974

The marginal* statement shows the number of persons apprehended, acquitted, and convicted in "heinous crimes" as well as in "petty offences." The proportion of convictions to acquittals is satisfactory.

* Heinous crimes,		200
Apprehended,	159	
Acquitted,	41	
Convicted,	105	
Petty offences,		661
Apprehended,	815	
Acquitted,	215	
Convicted,	598	

There were 6 persons under examination in jail on the 31st December last.

The following is an abstract of the sentences passed by the Assistant Commissioner and the native judicial officers in 1838, in the province of Amherst:

Imprisonment for 2 years,	8
" 1 year and upwards,	12
" 6 months and upwards,	35
" less than 6 months,	256
Fined,	389
Security required,	3
	703

MERGUI.
MAGISTRATE'S COURT.

Mr. Corbin was in charge of this province during the year under review.

At the end of 1837, there were 3* persons under trial in jail, 163 persons were summoned or apprehended during the year 1838, making altogether 166. The mode in which these were disposed of is indicated in the margin.†

* In the report for 1837, one is mentioned.

† Acquitted,	27
Convicted,	136
Committed,	3
	166

The marginal* statement shews the number of persons apprehended, acquitted, and convicted by the Magistrate and his Assistants in "heinous crimes" as well as in "petty offences." The results are satisfactory.

* Heinous crimes,		70
Apprehended,	50	
Acquitted,	12	
Convicted,	36	
Petty offences,		87
Apprehended,	116	
Acquitted,	15	
Convicted,	100	

The following is an abstract of the sentences passed by the Assistant Commissioner and the native judicial officers in 1838, in the province of Mergui:

Imprisonment for 6 months and not exceeding 2 years, ...	21
Less than 6 months, ...	55
Fined, ...	60
	136

TAVOY.
MAGISTRATE'S COURT.

Captain Macfarquhar discharged the duties of the Magistrate's Office during 1838.

* Acquitted, ...	5
Convicted, ...	102
Committed, ...	4
Escaped, ...	1
Under trial in jail, ...	1
	113

There were no persons under trial at the close of 1837, and 113 persons were summoned or apprehended during 1838, and disposed of as noted in the margin.*

* Heinous crimes, ...		66
Apprehended, ...	14	
Acquitted, ...	0	
Convicted, ...	12	
Petty offences, ...		88
Apprehended, ...	99	
Acquitted, ...	5	
Convicted, ...	90	

The statement in the margin* shews the number of persons apprehended, acquitted, and convicted by the Magistrate and his Assistants in "heinous crimes" as well as in "petty offences." The results are satisfactory.

One person was under trial in jail on the 31st December 1838.

The following is an abstract of the sentences passed by the Assistant Commissioner and the native judicial officers in 1838:

Imprisonment for six months and not exceeding 2 years,...	14
Less than 6 months, ...	17
Fined, ...	71
	102

SESSIONS COURT.

The Commissioner of the Tenasserim Provinces held sessions of jail delivery during the year in Amherst, Mergui, and Tavoy.

* Postponed, ...	1
Committed in 1838, ...	21
Received back from Nizamut Adawlut,	1
	23
Acquitted, ...	5
Convicted, ...	10
Pending, ...	8
	23

The separate statements No. 1 for those districts shew that 15 prisoners were committed during the year for trial before the Commissioner. The statement No. 12, submitted by that officer, gives the details entered in the margin.* The Commissioner has omitted one case which was referred by him for the orders of the Nizamut Adawlut, and in which the prisoner was acquitted. He will be requested to prepare his statements more carefully, and to shew to what districts the commitments severally belong.

No trial was called for on revision of the jail delivery statements during the past year at the English sittings; but the orders of the Commissioner in one case were reversed, as it did not appear from the explanation given that the prisoners had been guilty of any criminal offence.

The following is an abstract of the sentences passed by the Commissioner during the year:

Imprisonment for 7 years,	3
" 4 years	3
" 3 years and less,	2
Fined,	2
	10

One prisoner, as already observed, was referred to the Nizamut Adawlut during the year and was acquitted by the Court.

GENERAL REMARKS.

The subjoined comparative statement of crimes committed in 1837 and 1838, exhibits a decrease in the more serious offences.

	Amherst.		Mergui.		Tavoy.	
	1837.	1838.	1837.	1838.	1837.	1838.
Murder and Homicide,	2	1	0	0	1	0
Dacoity,	12	3	1	0	3	2
River Dacoity,	2	4	3	0	0	0
Burglary,	47	24	7	1	43	23
Theft and receiving stolen property,	157	162	75	69	34	41
Miscellaneous,	578	667	109	87	90	88
Total,	798	861	195	157	171	154

The Commissioner remarks: "Excepting thefts, unattended with aggravating circumstances, the amount of crime in these provinces will, I trust, be found comparatively small. Though the statement for Amherst Province exhibits some crimes of magnitude, yet strictly they should not appear in such statement, as they were not committed by our own people and belong rather to the Political Department."

The Court consider the administration of criminal justice in these provinces to be prompt and efficient.

FINIS.

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REPORTS

OF THE

COURTS OF SUDDER DEWANNY

AND

NIZAMUT ADAWLUT

ON THE

Administration of Civil and Criminal Justice

IN THE

EXTRA REGULATION PROVINCES,

SUBJECT TO

THE GOVERNMENT OF BENGAL,

FOR THE YEAR

1839.

CALCUTTA:

G. H. HUTTMANN, BENGAL MILITARY ORPHAN PRESS.

1841.

No. 4182.

To F. J. Halliday, Esquire,

Secretary to the Government of Bengal
in the Judicial Department.

Sir,

I am directed by the Court to request that you will lay before the Right Honorable the Governor of Bengal, the accompanying copy of their Resolutions on the Civil Statements of the Extra Regulation Districts of Hazareebaugh, Assam, Arracan, Tenasserim, Cachar and Cossya Hills for the year 1839.

Sudder Dewanny Adawlut.
Present.
D. C. Smyth, Esq., Judge.

I have the honor to be,

Sir,

Your obedient humble Servant,

J. HAWKINS, *Register.*

Fort William,
The 27th November, 1840.

Resolution of the Presidency Court of Sudder Dewanny Adawlut on the Annual Civil Statements of Hazareebaugh for the year 1839, *under date the* 10*th July*, 1840.

Present:

C. Tucker, Esquire, Judge.

The regular file of the Civil Courts of the Jurisdiction of the Governor General's Agent at Hazareebaugh, on the 1st January 1839 and 1st January 1840, respectively, stood as follows:

	1839.	1840.
Before Agent,	45	71*
„ Assistant at Manbhoom,	283	224
„ Junior Ditto,	22	0
„ Assistant at Lohurdugga,	92	102
„ Ditto at Hazareebaugh,	80	101
„ Nine Moonsiffs,	1578	1729†
	2100	2227

being an increase of 127 suits.

Appeals from Manbhoom.	20
Ditto from Lohurdugga.	28
Ditto from Hazareebaugh	23
Total...	71

† Before 4 Moonsiffs of Manbhoom.	948
Ditto 2 Moonsiffs of Lohurdugga.	337
Ditto 3 ditto of Hazareebaugh,	444
Total,.	1729

2. The number of original suits and appeals filed during the year 1839, was as follows:

	Original Suits.	Appeals.	Total.
Before Governor General's Agent, ...	0	53*a*	53
Ditto Assistants, ...	158	288	446*b*
Ditto the Moonsiffs,...	3099	0	3099*c*
Total, ...	3257	341	3598

being a decrease of 139 suits, the number instituted in the year preceding having been 3737.

a Appeals from Manbhoom, ... 11
Ditto from Lohurdugga, ... 18
Ditto from Hazareebaugh, ... 24
53

	Original Suits.	Appeals.	Total.
b Before Assistant of Manbhoom, ...	51	108	169
Ditto Lohurdugga, ...	58	65	123
Ditto Hazareebaugh, ...	39	115	154
Total,.....	158	288	446

c Before Moonsiffs of Manbhoom, ... 1538
Ditto of Lohurdugga, ... 496
Ditto of Hazareebaugh, ... 1065
3099

3. The Agent has omitted to furnish any Statement of the years in which the suits pending on the 1st January 1840 were instituted. This information may be gathered from the Statements from Manbhoom, but the Statements for the other two Divisions are quite silent on the subject. The Agent will be requested to attend to this point on submitting his returns for the current year.

Major Wilkinson made over charge of the office of Agent on the 1st March 1839, to Mr. J. Davidson, Principal Assistant at Lohurdugga; and on the 3d April, Major Ouseley received charge of the office from Mr. Davidson, and continued in it to the end of the year.

The Agent to the Governor General disposed of 27 suits as indicated in the margin.* The number appears to the Court to be very small.

* Decided on trial, ... 24
Dismissed on default, ... 3
27

The following Statement shews the number of suits disposed of by the Assistants to the Agent respectively, during the year under review:

	Decided on trial.	Dismissed on default.	Adjusted or withdrawn.	Total.
Lieutenant J. C. Hannyngton, Assistant at Manbhoom, ...	81	20	0	101
Lieutenant T. Simpson, Junior ditto, ...	139	10	1	150
Mr. Davidson, Assistant at Lohurdugga, ...	99	2	9	110
Major Bird, Assistant at Hazareebaugh, ...	99	5	8	112
Total,.....	418	37	18	437

The Court observe, that a considerable increase has taken place in the quantity of work transacted in the Manbhoom Division, as compared with the preceding year, which has led to a corresponding reduction in the files of that Division.

The number of appeals pending from the decisions of the Assistants at the close of 1838, was 45; and 53 appeals were admitted during 1839, making a total of 98. These appeals were disposed of as noted in the margin.* The following statement gives the particulars of the number of decisions of each Officers, confirmed. and reversed :—

* Confirmed, ...	9
Modified or reversed,...	15
Dismissed, ...	3
Pending, ...	71
	98

	Confirmed.	*Modified or reversed.*	*Total.*
Lieutenant J. Hannyngton, ...	1	2	3
Lieutenant Simpson,.....	1	3	4
Mr. Davidson, ...	0	2	2
Major Bird, ...	7	8	15
Total,.....	9	15	24

With respect to the number of cases disposed of by the Officers abovenamed, the statement is considered to be satisfactory, notwithstanding that the number of reversals exceeds the number of decisions confirmed.

The Moonsiffs in the jurisdiction of the Governor General's Agent disposed of 2969 suits, as noted in the margin.* 262 appeals were pending from the decisions of these Officers at the close of 1838,—288 were admitted during 1839, making a total of 550, and they were dealt with as indicated in the margin.* With reference to the number of cases decided on trial by the Moonsiffs, the Court consider the results to be satisfactory, especially in the cases of Dost Mahomed, Moonsiff of Khurruckdea, of the Hazareebaug Division, and Kasseemooddeen, Moonsiff of Lohurdugga, of the Division of that name. The file of the Moonsiff of Rogoonathpore, in the Manbhoom Division, is very heavy; and the Court will request the Agent to report after enquiring from the Principal Assistant as to the necessity of appointing an additional Moonsiff.

	Manbhoom.	Lohurdugga.	Hazareebaugh.	Total.
Decided on trial, ...	1130	244	825	2199
Dismissed on default,.....	166	11	23	200
Adjusted or withdrawn, ...	226	129	215	570
Total,.....	1522	384	1063	*2969

	Pending of 1838.	Admitted in 1839	Total.
Appeals from Moonsiffs of Manbhoom.	194	108	302
Ditto of Lohurdugga, ...	22	65	87
Ditto of Hazareebaugh,.....	46	115	161
Total,.....	262	288	*550

	Moonsiff of Manbhoom.	Ditto of Lohurdugga.	Ditto of Hazareebaugh.	Total.
Confirmed, ...	105	36	57	198
Reversed or modified, ...	84	12	33	129
Dismissed on default,.....	11	3	5	19
Pending, ...	102	36	66	204
Total,.....	302	87	161	550

	Confirmed.	Reversed.
Moonsiff of Kurruckdea, ...	25	4
Ditto of Lohurdugga, ...	18	4

Fifteen suits were under reference to the Collector at the end of the year. Eight cases (6 in Manbhoom and 2 in Lohurdugga) decided with the aid of Punchayet, or Assessors, were all disposed of in accordance with the opinion of the Assessors. The Agent has omitted to furnish any statement of the amount or value of the property under litigation on the 1st January 1840.

MISCELLANEOUS CASES.

	1839	1840
* Before Agent,	92	151
„ Assistants,	803	759
„ Moonsiffs,	950	886
	1845	1796

* 93 less than the number stated in the statement.

The miscellaneous file of the jurisdiction of the Agent, on the 1st January 1839 and 1st January 1840, respectively, is noted in the margin,* shewing a decrease of 133 cases. The cases of importance on the file of the Agent are—

	1839.	1840.
Before Agent,	98	151
„ Assistants,	808	681
„ Moonsiffs,	950	886
Total,	1851	1718

* This was incorrectly stated at 92 in the Report for 1838.

Reviews of judgment,	4
Special appeals,	41
Summary appeals under Regulation XXVI. 1814,	1
Execution of decrees,	37

The file of the Assistant of Manbhoom, though much reduced, is still heavy. That of the Lohurdugga Division is very heavy, and will require the unremitting attention of the Assistant. The file of the Assistant of Hazareebaugh Division is light. The files of the Native Judges call for no particular remark.

* Pending of 1838,	1164
Admitted in 1838,	1561
	2725
Disposed of in 1839,	1702
Pending,	1023

Before 1835,	6
In 1836,	17
„ 1837,	33
„ 1838,	55
„ 1839,	119
	793
	1023

The marginal Statement* shews the number of applications for the execution of decrees, still pending in the several Courts of the Agent's jurisdiction, and the years in which those applications were made, and calls for no particular remark.

GENERAL REMARKS.

The Statement for the District under the jurisdiction of the Governor General's Agent were forwarded with that Officer's letter of the 20th March. They have not been prepared with that care and attention which the Court could have wished; and the Statement No. 1, furnished by the Assistant of the Hazareebaugh Division, is not of the same form as those submitted from the other Divisions. The Assistant of the Manbhoom Division has added three headings to the form of Statement No. 2, prescribed by the Court, shewing the Criminal and Revenue business before him, which was not required in a Statement intended only to shew the state of business in the Civil Court.

The quantity of business disposed of in the Court of the Agent, was small, owing, as stated by that Officer, to the changes which took place in the appointment, and to his having been much employed since his assumption of office in examining its record. There has been a considerable reduction of business in the Court of the Manbhoom Assistant, and a further reduction may shortly be expected, under the operation of the order of Government of the 3d of March last, sanctioning the appointment of a Principal Sudder Ameen to that Division.

The following remarks of the Agent relative to the official character and proceedings of his subordinates, are very creditable to those Officers.

" *Lohurdugga Division.*"

" This was under Mr. Davidson, Principal Assistant Agent Governor General, from the 1st of January 1839 until 1st March, when Lieutenant Simpson took charge, and held it until the 3d April, when Mr. Davidson again received his District, retaining it until the end of the year. His exertions are far beyond what should have been expected from him, considering his health; He is by his kind obliging manner to the Natives, as well as by his abilities, particularly qualified for his situation; and studies in every way the happiness of those over whom he is placed. He is expected to return in the course of two years. The business of this office is heavy, but with application no change need take place. The Moonsiffs are both good men, and perform their duties satisfactorily. Of Shoojyet Alee, I have personal knowledge that he attends to his office affairs with zeal. Lieutenant S. R. Tickell is now in charge of this Division."

" *Hazareebaugh Division.*"

" Major Bird, Principal Assistant, was in charge from 1st January to the 3d November, when he procured leave on private affairs for six months. Lieutenant Simpson had charge to the end of the year. Major Bird is indefatigable in his labor in Kutcherry, and is particularly zealous, and desirous of procuring the prosperity of the people of this Division. I have no report from him on the conduct of the Moonsiffs, and am not sufficiently acquainted with them myself to venture an opinion. I have certainly no complaints against them."

" *Manbhoom Division.*"

" Captain Hannyngton, Principal Assistant Agent Governor General, was the whole year in charge. I beg to attract most respectfully, the attention of the Court to the mode in which he has prepared his reports, and the detail in particular—his anxiety to have the file cleared off—and attend to his other duties, I feared would have affected his health; for considering the population of the Division amounting to 7,72,340, I do not think that because Government have made a liberal Revenue Settlement, retaining the Civil and Criminal jurisdiction as in other parts adjacent,

they should urge the poverty (as to Government receipts) of the Division as not admitting of a larger establishment for deciding their Judicial troubles. This, though the Government has now liberally provided for in appointing a Principal Sudder Ameen, who will relieve Captain Hannyngton of much hard work. Captain Hannyngton on all occasions gives me the highest satisfaction—and his endeavours are, I am convinced, properly appreciated by the people."

"Lieutenant Simpson, the Junior Assistant with the Agent Governor General, was employed to assist Captain Hannyngton in the Civil Department, and has exerted himself most strenuously; giving from 8 to 10 hours a day to his office duties—but from the excessive length of the cases in the Pergunnahs, where Bengallees only reside, his exertions can hardly be fairly judged of—his application is not to be exceeded. He was in charge from 1st March to 3d April of Lohurdugga, and from 3d November to 31st December at Hazareebaugh."

Resolution of the Presidency Court of Sudder Dewanny Adawlut on the Civil Statements of the Assam Division for the year 1839, *under date the* 10*th July* 1840.

PRESENT:

C. Tucker, Esquire, Judge.

Goalparah

The Regular file of the Civil Courts of Zillah Goalparah on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Commissioner,	9	1
Ditto Principal Assistants,	26	26
Ditto Sudder Ameen,	65	61
Ditto 3 Moonsiffs,	341	295
	441	383

being a decrease of 58 Suits.

The number of original suits and appeals filed during the years 1838 and 1839, was as follows:

	1838.	1839.
Before Commissioner,	1	2
Ditto Principal Assistant,	735	450
	736	452

being a decrease of 284 suits.

The marginal* Statement shows the years in which the original suits and appeals pending on the 1st January 1840 were instituted. The Statement does not appear to call for any particular remark.

* 1837,..... 1
1838,..... 17
1839,..... 265
383

The Commissioner Captain F. Jenkins and Deputy Commissioner Captain J. Matthie (who joined on the 1st April) disposed of 9 original suits and appeals during the year under review in the manner indicated in the margin.*

* Decided on trial,..... 9

The following Officers held charge of the office of Principal Assistant during the past year. Captain Rutherford from the 1st January to the 3d June, Lieutenant A. A. Sturt from the 3d June to 1st November, and Major A. Davidson from 1st November to the end of the year. The number of suits disposed of by each Officer respectively, and the manner of their disposal, are specified in the margin.*

* By Capt. Rutherford, 5
" Lt A A Sturt, 4
" Major Davidson, 5
14

Decided on trial, 12
Dismissed on default, ... 2
14

The Sudder Ameen, Moonshee Gowree Persad, disposed of 73 suits in the manne noted in the margin*—Eight (8) appeals were pending from the decisions of this Officer at the close of the year 1838, and 8 were preferred during the year, making a total of 16, which were dealt with as noted in the margin.† The result is very creditable to the Sudder Ameen, and as observed by the Deputy Commissioner, very favorable to his judgment.

* Decided on trial,..... 65
Dismissed on default,... 2
Adjusted or withdrawn, 6
73

† Pending of 1838, ... 8
Admitted in 1839, ... 8
16

Confirmed,..... 7
Modified or reversed, ... 2
Dismissed,..... 1
Pending, ... 6
16

The three Moonsiffs of Zillah Goalparah disposed of 414 suits in the manner noted in the margin.* The number of appeals pending from the decisions of these Officers at the close of 1838, the number preferred in 1839, and the result of the appeals, are similarly noted. The Court observe that the number brought forward as pending on the 1st January 1839, does not correspond with that (2) given in the Report for the year 1838. The Court, however, had reason to apprehend that the Returns for 1838 were not correctly prepared, and they conclude, that the remarks made by them led to further enquiry and to the correction of the Statements.

* Decided on trial, ... 354
Dismissed on default,... 39
Adjusted or withdrawn, 21
414

Pending of 1838 13
Admitted in 1839, ... 25
38

Confirmed,..... 10
Modified or reversed, ... 15
Dismissed on default, ... 1
Pending, ... 12
38

Two cases were tried during the year with the assistance of a Punchayet. In one the decision was given in accordance with, and in the other in opposition to, the opinion of the Punchayet. The amount or value of the original suits and appeals pending in the Civil Courts of this Division on the 1st January 1840, is computed at 23,866 Rs.

MISCELLANEOUS FILE.

The Miscellaneous file of the District of Goalparah on the 1st January 1839 and 1st January 1840, respectively, was as follows:

	1839.	1840.
Before Principal Assistant,	56	92
Ditto Sudder Ameen,	77	97
Dittoo Moonsiffs,	25	57
	158	246

being an increase of 88 cases. The most important cases of a miscellaneous nature pending on the file of the Principal Assistant at the close of the year were, one application for the admission of special appeal, two petitions for summary appeals under Clause 4, Section 3, Regulation XXVI. 1814, and three petitions for the execution of decrees.

* Pending of 1838,		79
Admitted in 1839,		302
		381
Executed in 1839,		291
Pending,		90
In 1837,	4	
" 1838,	12	
" 1839,	74	
		90

The marginal Statement* shews the number of applications for the execution of decrees pending at the close of 1838, the number admitted in 1839, and the manner of their disposal, together with the years in which the pending cases were instituted.

GENERAL REMARKS.

The business in the several Courts of the Goalparah District appears to be in a very satisfactory state. The following remarks of the Deputy Commissioner are corroborated by the Principal Assistant Major Davidson, who observes, that he is perfectly satisfied with the Native Judges.

"I visited this Division in September last, and carefully inspected the whole of the Native Judge's Office books which appeared kept up in creditable order. I called for the proceedings in three or four cases; I selected indiscriminately from their Registers in each Court; they were furnished speedily and appeared drawn up with very satisfactory precision in every respect."

"The distribution of the Moonsiff's* Courts in this Division, appears judicious."

* Moonsiff's Courts.
1 at Goalparah.
1 at Dhobree
1 at Kurrybarry.

"The Principal Assistant in charge has not this year considered it necessary to bring to notice prominently any Moonsiff of his Division. I shall therefore merely observe that from what I know personally, and hear of from others of the conduct of the Native Judges of Goalparah, that I consider them active and efficient Officers, and that they have not relaxed their exertions during the period under report, to give satisfaction to the several European Officers they have served under."

"Upon the whole, I consider the state of the Civil files of this Division to be very satisfactory, there being no arrears of more than ordinary standing."

Zillah Kamroop.

The Regular file of the Civil Courts of Zillah Kamroop on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Commissioner and Deputy Commissioner,	14	15
Ditto Principal Assistant, ...	90	40
Ditto Junior Assistant, ...	12	6
Ditto Sudder Ameen,.....	63	26
Ditto 4 Moonsiffs, ...	586	627
	765	714

being a decrease of 51 suits.

The number of original suits and appeals filed during the years 1838 and 1839 in the Courts of this Division, was as follows:

	1838.	1839.
Before Commissioner,.....	13	24
Ditto Principal Assistant, ...	1,345	1,566
	1,358	1,590

being an increase of 232 suits.

The years in which the original suits and appeals pending on the 1st January 1840 were instituted, are entered in the margin.* The Statement is on the whole satisfactory,—the Court observe, however, that the suit of 1828 was declared in the Returns for the preceding year to be then nearly ready for decision.

* 1828, ... 1
1835,..... 1
1838,..... 5
1839,..... 707
714

The Commissioner and Deputy Commissioner disposed of 23 suits belonging to this jurisdiction in the manner given in the margin.*

* Decided on trial,..... 23

Captain James Matthie had charge of this Division from the 1st January to the 1st April, when he was relieved by Captain J. Wemyss, who officiated to the close of the year. These Officers disposed of 152 suits in the manner noted in the margin,* of which Captain Matthie decided 18 and Captain Wemyss 134.

* Decided on trial,..... 143
Dismissed on default, 7
Adjusted or withdrawn, 2
152

Mr. C. K. Hudson was Junior Assistant of this Division throughout the year. He disposed of 15 suits as noted in the margin.* The Principal Assistant expresses himself as having every reason to be satisfied with the manner in which Mr. Hudson has conducted his duties.

* Decided on trial,..... 8
Dismissed on default, 5
Adjusted or withdrawn, 2
15

The Sudder Ameen, Baboo Deoburbar Doloye, disposed of 360 suits during the year in the manner noted in the margin.* The appeals from the decisions of this

* Decided on trial,..... 239
Dismissed on default,... 111
Adjusted or withdrawn, 10
360

Officer, together with the result, are noted in the margin.* The result is very creditable to the Sudder Ameen, of whom the Deputy Commissioner observes—"The number of suits disposed of by this Native Judge is very great indeed, compared with the preceding year, and highly creditable to his exertions, and the result of the appeals made against his decision, is extremely favorable to his judgment." The Principal Assistant remarks that in addition to his Civil duties, the Sudder Ameen has disposed of a considerable number of criminal cases.

* Pending of 1837, ...	17	
Admitted in 1839,.....	100	
		117
Confirmed, ...	69	
Modified or reversed, ...	16	
Dismissed,.....	7	
Pending, ...	25	
		117

The 4 Moonsiffs of this Division disposed of 1093 suits in the manner noted in the margin.* The number of appeals from their decisions pending at the close of 1838, the number preferred in 1839, and their results, are stated in the margin.† The Statement is highly creditable to the Moonsiffs.

* Decided on trial,.....	763	
Dismissed on default,...	308	
Adjusted or withdrawn,	22	
		1093
† Pending of 1838,.....	53	
Admitted in 1839, ...	152	
		205
Confirmed, ...	124	
Modified or reversed, ...	38	
Dismissed,.....	32	
Pending, ...	11	
		205

Three cases were tried with the assistance of Punchayets under the provisions of Regulation VI. 1832, and were all decided in concurrence with their opinion. The total value of the property under litigation, was computed at Company's Rupees 41,268.

MISCELLANEOUS FILE.

The Miscellaneous file of the District of Kamroop on the 1st January 1839 and 1st January 1840, respectively, was as follows :

	1839.	1840.
Before Principal Assistant,.....	177	572
Ditto Sudder Ameen,.....	190	186
Ditto 4 Moonsiffs, ...	15	8
	382	766

being an increase of 384 cases. The most important miscellaneous cases pending on the file of the Principal Assistant at the close of the year were as follows :

Petitions for Special Appeals, ...	2
Execution of Decrees, ...	52

There were 59 cases of more than one year's standing in the several Courts, the whole of which were applications for the execution of decrees.

The Statement entered in the margin* shews the number of applications for the execution of decrees pending at the close of 1838, the number admitted in 1839, and the number disposed of, together with the years to which the undisposed of applications belong.

* Pending of 1838, ...	316	
Admitted in 1839, ...	672	
		988
Executed in 1839, ...	702	
Pending in 1839,.....	286	
Before 1835,.....	34	
In 1837,.....	7	
,, 1838,.....	18	
,, 1839,.....	227	
		286

GENERAL REMARKS.

The several Courts of this Division appear to be in a very satisfactory state; and justice to be administered with promptness and efficiency. In the 17th paragraph of his letter to the address of the Deputy Commissioner, dated 5th February, the Principal Assistant, Mr. Wemyss, had recommended the removal of the Moonsiff's Courts from their present localities within their respective jurisdictions, to the Sudder Station of Gowahutty, on the ground of want of attention to their duties when so far removed from the immediate observation and control of their superior Officer. This proposition however did not meet with the approval of the Commissioner and Deputy Commissioner for the reasons given in the following extract from the Deputy Commissioner's reply to the Principal Assistant, of the 11th March last, in which the Court entirely concur.

"The recommendation contained in the 17th paragraph of your letter, that the Mofussil Moonsiff's Courts should be remanded to the Sudder Station at Gowahutty, is totally disapproved of. It must be remembered, that they were not detached alone for the conduct of the civil business, but also to investigate other local cases that may occasionally be required for the convenience of the public in general, and their services in that respect have of late been eminently useful, particularly in the Bowaneepore and Nilbarree Divisions, and that their presence in the Mofussil in the immediate neighbourhood of the Police Thannahs might operate as a check upon the proceedings of the Police and Fiscal Officers. No causes should be referred to the Mofussil Courts at the Sudder Station that can possibly be tried by the Mofussil Moonsiffs; even if the suitors wished it, their request should not be granted without some very substantial and special reasons being assigned, which should be the subject of a particular written petition, and your decision on it recorded, so that this Court may be able to judge of the grounds on which the request has been allowed in case of an appeal; it is only in cases of strong presumed bias that any removal of a suit from the Mofussil to the Gowahutty Moonsiff's Courts should be permitted, the convenience of the witnesses as well as the suitors in civil suits, must be considered; the trifling subsistence money witnesses receive is very small indemnity for the sufferings they so frequently undergo by detention at a long distance from their homes; under these circumstances, I have to request that you will transfer from the Gowahutty Moonsiff's file, all suits that can be tried in the Mofussil to such Moonsiff's Courts as will be able to dispose of them with most convenience."

The Deputy Commissioner makes the following remarks on the same subject in the 42d paragraph of his letter to the Court, forwarding the several Annual Returns.

"The distribution of the three Moonsiff's Courts which have been detached to the Mofussil,* appears to me to be judicious. The Commissioner and I have a thorough knowledge of the localities of each of their jurisdictions, having visited them all, and I am satisfied that their removal to the interior of the District has been productive of very great good, alike in facilitating the disposal of cases

* 1 at Bydurghur.
1 at Neelbarree.
1 at Bowaneepore.

"decided on trial," decreasing expense to suitors, inconvenience to witnesses, and in affording facility in conducting numerous Mofussil investigations, and in checking mal-practices by the Mofussil, Fiscal and Police Officers."

Durung.

The Regular file of the Civil Courts of the Durung Division on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Commissioner and Deputy Commissioner,	0	1
Ditto Principal Assistant, ...	7	12
Ditto Sudder Ameen,.....	18	20
Ditto 2 Moonsiffs, ...	190	326
	215	359

being an increase of 144 suits.

The number of original suits and appeals instituted in the Principal Assistant's Court of this Division in the years 1838 and 1839, was as follows:

	1838.	1839.
Before Commissioner and Deputy Commissioner	0	1
Ditto Principal Assistant, ...	419	640
	419	641

being an increase of 222 suits.

The years in which the original suits and appeals pending on the 1st January 1840 were instituted, are entered in the marginal* Statement, which is considered to be very satisfactory.

* 1838,.....	9
1839,.....	350
	359

The following Officers had Civil charge of the Durung Division during the year, viz.

Captain Vetch from 1st January to the 1st March,

Lieutenant C. Scott from the 1st March to the 29th November, and

Lieutenant A. A. Sturt from that date to the end of the year. These Officers disposed of 12 suits during the year in the manner noted in the margin.*

* Decided on trial,.....	6
Dismissed on default,...	6
	12

The Sudder Ameen, Chunder Sein, disposed of 47 suits during the year as indicated in the margin.* The number of appeals pending from the decisions of this Officer at the close of the year 1838, the number preferred in 1839, and the result of the appeals, are similarly indicated.

* Decided on trial,.....		39
Dismissed on default,...		8
		47
Pending of 1838,.....		3
Admitted in 1839, ...		8
		11
Confirmed,.....	2	
Dismissed on default, ...	3	
Adjusted, &c....	0	
Pending, ...	6	
		11

The two Moonsiffs of this Division disposed of 438 suits in the manner noted in the margin.* The appeals from the decisions of these Officers, together with the manner of their disposal, are also noted. The results is considered satisfactory.

* Decided on trial,.....		315
Dismissed on default,...		87
Adjusted or withdrawn,		36
		438
Pending of 1838, ...		7
Admitted in 1839, ...		31
		38
Confirmed	15	
Modified or reversed, ...	4	
Dismissed on default, ...	3	
Adjusted or withdrawn, ...	0	
Pending, ...	16	
		38
Pending of 1838, ...		59
Admitted in 1839, ...		134
		193
Executed in 1839, ...,		88
Pending, ...		105
In 1836, ...	2	
„ 1837, ...	2	
„ 1838, ...	9	
„ 1839, ...	92	
		105

No suits were tried with the aid of Assessors. The amount or value of property under litigation, has not been given.

MISCELLANEOUS FILE.

The Miscellaneous file of the District of Durung on the 1st January 1839 and 1st January 1840, respectively, was as follows:

	1839.	1840.
Before the Principal Assistant, ...	202	274
Ditto Moonsiffs, ...	45	18
	247	292

being an increase of 45 cases. With the exception of 105 applications for the execution of decrees, there were no cases of importance pending on the files of the Principal Assistants at the close of the year. The Court observe that there were no miscellaneous cases on the file of the Sudder Ameen at the close of the year.

The memorandum entered in the margin shews the number of applications for the execution of decrees pending at the close of 1838, the number admitted in 1839, and the manner of their disposal. The years in which the pending cases were instituted are also given in the margin. The Statements call for no particular remarks.

GENERAL REMARKS.

The Statements for this Division shew a very satisfactory state of things—and although the regular file has increased as compared with the return submitted for the preceding year, it is clear that the increase has been caused by a larger influx of cases during the year under review, and that there is no old arrear.

In regard to the Native Judges the Deputy Commissioner reports that their conduct has been assiduous, and very satisfactory, and that the Sudder Ameen

maintains his good name for discharging his duty in an upright, honest and very creditable manner, and is much respected in the Division. The above report is confirmed by the testimony of the Commissioner himself, who visited the Division in the month of February, and states his having " heard from every one a very high character of the Sudder Ameen and Moonsiffs."

Zillah Nowgong.

The Regular file of the Civil Courts of the Nowgong Division on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Commissioner,.....	1	2
Ditto Principal Assistant,.....	7	7
Ditto Sudder Ameen, ...	6	6
Ditto Moonsiffs,.....	32	64
	46	79

being an increase of 33 suits.

The number of original suits and appeals filed in the Courts of the Nowgong Division in the years 1838 and 1839, respectively, was as follows:

	1838.	1839.
Before Commissioner, ...	1	2
Ditto Principal Assistant,.....	470	401
	471	403

being a decrease of 68 suits.

1838,.....	1
1839, ...	78
	79

The marginal* Statement shews the years in which the original suits and appeals pending on the 1st January 1840, were instituted, and is considered very satisfactory.

The Commissioner disposed of one appeal during the year under review.

Lieutenant H. Bigge had Civil charge of the Nowgong Division throughout the past year. He disposed of 25 suits in the manner noted in the margin.*

* Decided on trial,.....	23
Dismissed on default,...	2
	25

The Sudder Ameen, Baboo Sumdut Burdoloye, disposed of 91 suits during the year as noted in the margin.* The number of appeals pending from the decisions of this Officer at the close of 1838, the number preferred in 1839, and the result of the appeals, are similarly noted.

* Decided on trial.....		85
Dismissed on default,...		6
		91
Pending of 1838.....		1
Admitted in 1839, ...		22
		23
Confirmed,.....	10	
Modified or reversed, ...	6	
Dismissed on default, ...	2	
Pending.....	5	
		23

The Moonsiff, Baboo Madho Khoond Surma, disposed of 253 suits in the manner noted in the margin.* The appeals from the decisions of this Officer, together with the result, are also noted. Both the quantity and quality of the work transacted by the Moonsiff, are very creditable to him.

* Decided on trial,.....		248
Dismissed on default,...		5
		253
Pending of 1838,.....		3
Admitted in 1839, ...		30
		33
Confirmed,.....	17	
Reversed.	12	
Dismissed on default, ...	1	
Pending, ...	3	
		33

No cases were tried with the aid of Assessors. The amount or value of the property under litigation at the close of the year, has not been given.

MISCELLANEOUS FILE.

The Miscellaneous file of the District of Nowgong on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Principal Assistant, ...	32	26
Ditto Sudder Ameen, ...	41	24
	73	50

being a decrease of 23 cases. There were only two petitions for the execution of decrees pending on the files of the Principal Assistant at the close of the year, of which one was pending beyond one year. There were no miscellaneous cases at the close of the year on the file of the Moonsiff of Nowgong.

The marginal* memorandum exhibits the number of applications for the execution of decrees pending at the close of 1838; the number admitted in 1839 and the manner of their disposal, as also the years in which the pending applications were instituted. The Statement is very satisfactory.

* Pending of 1838,.....		44
Admitted in 1839, ...		211
		255
Executed in 1839, ...		226
Pending, ...		29
1837, ...	1	
1838, ...	1	
1839, ...	27	
		29

GENERAL REMARKS.

The several Courts of this Division are in a satisfactory state, and have been very efficiently superintended by the Principal Assistant. The following testimony, borne by that Officer to the merits of the Sudder Ameen and Moonsiff, is very creditable to both those functionaries.

" The Sudder Ameen, since the transfer of higher powers to the Moonsiffs, has been employed almost entirely in the exercise of authority vested to him as Magistrate, and has had all the cases coming within the limit transferred to him,

and from the highly creditable manner in which his duties have been performed I have derived the utmost assistance."

"The Moonsiff is also entitled to my best acknowledgments, for the highly creditable example he affords, in his unremitting attention to business; and the very small number of his decisions which appear to have been reversed, would point out that his efforts to afford justice to suitors has not been unavailing."

Seebsaghur.

The Regular file of the Civil Court of this Division (the whole of the duties of which, as well as those of Luskerpore, were previously conducted in the Political Department) on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Principal Assistant,.....	12	34
" Junior Ditto,.....	0	3
" Sudder Ameen,.....	26	11
" 2 Moonsiffs,.....	69	46
	107	94

being a decrease of 13 suits.

The number of original suits and appeals filed in this Division in the year 1839, was 300. The whole of which were filed in the Court of the Principal Assistant.

The years in which the original suits and appeals pending on the 1st January 1840 were instituted, are entered in the margin*. The Statement is very satisfactory.

1838,.....	3
1839,.....	91
	94

Lieutenant Thomas Brodie, Principal Assistant, had charge of the Civil Court throughout the year. He disposed of 41 suits during the year in the manner noted in the margin.*

* Decided on trial	23
Dismissed on default,...	18
	41

Mr. C. Strong officiated as Junior Assistant of the Division during the past year. He disposed of 2 suits, both of which were dismissed on default.

The Sudder Ameen, Radhanath Bor Baroowa, disposed of 66 suits in the manner noted in the margin.* The number of appeals from his decisions pending at the close of 1838, the number admitted in 1839, and the results thereof, are similarly noted. They are considered creditable to the Sudder Ameen.

* Decided on trial,..... 34
Dismissed on default,... 27
Adjusted or withdrawn, 5
66

Pending of 1838,..... 5
Admitted in 1839, ... 24
29

Confirmed,..... 12
Reversed, ... 2
Dismissed on default, ... 4
Pending, ... 11
29

The 2 Moonsiffs of this Division disposed of 207 suits in the manner noted in the margin.* The appeals from the decisions of these Officers, together with the results, are also noted. The number of cases dismissed on default appears to the Court to be very large and should have been explained by the local authorities.

* Decided on trial,..... 45
Dismissed on default,... 141
Adjusted or withdrawn, 29
207

Pending of 1838, ... 4
Admitted in 1839,..... 27
31

Confirmed,..... 21
Reversed, ... 6
Dismissed, ... 1
Pending,..... 3
31

No suits were tried with the aid of Assessors. The Principal Assistant of this Division has also omitted to state the amount or value of the property, under litigation at the close of the year.

MISCELLANEOUS FILE.

The Miscellaneous file of this Division on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Principal Assistant,.....	139	46
Ditto Sudder Ameen,.....	2	8
Ditto 2 Moonsiffs,.....	16	3
	157	57

shewing a decrease of 100 cases.

The marginal* note exhibits the number of applications for the execution of decrees pending at the close of 1838, the number admitted in 1839 and the manner of their disposal, together with the years in which the applications pending at the close of the year were preferred, and is considered satisfactory.

* Pending of 1838,..... 44
Admitted in 1839, ... 69
113

Executed in 1839, ... 70
Pending, ... 43

In 1838,..... 6
In 1839, ... 37
43

GENERAL REMARKS.

The files of the Courts of this Division are light, and justice appears to be promptly and efficiently administered. The Principal Assistant submitted no report to the Deputy Commissioner regarding the character and conduct of the Native Judges. Captain Matthie, however, states that he "is aware their conduct is deemed satisfactory."

In the following remarks of the Commissioner and Deputy Commissioner the Court entirely concur. The Deputy Commissioner will be requested to carry into immediate effect his suggestions of stationing one of the Moonsiffs at Jorehauth.

"The Commissioner visited this Division in January last and inspected the books of the whole of the Courts, in the margin.* I have extracted for the information of the Sudder Dewanny Adawlut that part of his report on Upper Assam, which relates to the Civil Courts of Seebsagur, and with reference to the latter part of it, I beg to report that I most fully concur with him in thinking one of the Moonsiffs should be permanently stationed at Jorehauth. It must be remembered this Division is even in extent longer than Kamroop, as it embraces an area of about 2880 square miles, which requires that at least one of the Moonsiffs should be detached, and Jorehauth is the most populous part of the Division, and the presence of a Moonsiff in that neighbourhood would be eminently useful for many other purposes than the trial of Civil suits. I speak from experience as we have already seen much good result by the Courts of the Moonsiffs of Kamroop being detached to the interior of that Division.

* "Extract of a letter No. 3, dated 31st January, from the Commissioner to the Deputy Commissioner of Assam.

"Para. 5. I examined and countersigned all the Magistrates' Office Books and Registers as well as those of the Civil Court of the Sudder Ameen, Moonsiffs and Darogah, and I have pleasure in mentioning that I found the whole, with trifling exceptions, kept regularly up and in good order."

6th. "I find Lieut. Brodie has brought up both the Moonsiffs to Seebpore; an arrangement that I do not consider advisable, and I would recommend for the convenience of the large population about Jorehauth and the Western Districts of the Division, that one of the Moonsiffs should be permanently stationed at Jorehauth."

Luckunpore.

The Regular file of the Civil Courts of this Division on the 1st January 1840, was as follows:—

	1840.
Before Principal Assistant, ...	4
Ditto Junior Ditto, ...	1
Ditto Sudder Ameen, ...	9
	14

there were no cases pending at the close of 1838.

The number of original suits and appeals, filed in this Division in the year 1839, was 85, the whole of which were filed in the Court of the Principal Assistant.

The whole of the original suits and appeals pending on the 1st January 1840, were instituted during the year 1839.

Captain H. Vetch had charge of the Civil Courts of this Division throughout the year. He disposed of two cases during the year which were decided on their merits. Mr. H. Diver who was Junior Assistant of this Division during the past year, disposed of one (1) suit on trial.

The Sudder Ameen, Baboo Brijonath Bundaree Boorrowa, disposed of 68 suits during the year in the manner noted in the margin.* Five appeals were preferred from the decisions of this Officer during the year, and dealt with in the manner noted in the margin.†

* Decided on trial,.....	56
Dismissed on default,...	12
	68

† Confirmed,.....	1
Pending, ...	4
	5

There is no Moonsiff attached to this Division. On this point the Deputy Commissioner reports as follows:—

There is no Moonsiff or does one appear necessary in this Division, but I must report that under the sanction of Government in the Political Department, dated the 3d July last, one of the Ex-nobility of Upper Assam by name Madhob Ram, Ex-Burrah Goham, has been invested with the powers of a Sudder Ameen, and from his knowledge of the people, the country, its customs, and very mild conciliatory disposition, does great good in the neighbourhood of his residence by advising disputants for property to arbitrate and compromise amongst themselves, and not resort on every petty occasion, to formal Law suits.

No suits were tried with the aid of Assessors. The value of the property under litigation on the 1st January last has not been stated.

MISCELLANEOUS FILE.

The Miscellaneous file of Luckunpore on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Principal Assistant,.....	8	39
Ditto Junior ditto, ...	0	0
Ditto Sudder Ameen,.....	0	3
	8	42

being an increase of 34 cases.

The memorandum entered in the margin* shews the number of applications for the execution of decrees admitted during the year under review, and the manner of their disposal.

* Admitted in 1839,....	4
Executed in 1839, ...	2
Pending, ...	2

GENERAL REMARKS.

The Statements shew that there is no arrear of business in the Courts of this Division, the files are very light, and justice is promptly rendered. There is but one Native Judge, the Sudder Ameen, Bridjnath Bundaree Burwah, of whom the Principal Assistant states that he "has every reason to be satified with his conduct and attention to business." To the above the Deputy Commissioner adds his own testimony that the Sudder Ameen is "an Officer of talent and integrity, of long service and greatly respected."

CONCLUDING REMARKS.

The Statements for the Divisions comprising the Province of Assam were submitted by the Deputy Commissioner with his very clear, creditable and satisfactory report of the 31st March last. The state of things in the several Divisions of the Commissioner's jurisdiction is very creditable to the whole of the Officers concerned, and the Deputy Commissioner is entitled to the acknowledgements of the Court for his very efficient superintendence of the entire Judicial administration of the Province.

The following Extract from the Deputy Commissioner's letter will furnish the best summary of the nature of the suits usually instituted in the Assam Courts, and of the official character and proceedings of the several Native Judges of the Divisions. The Court entirely concur with the Deputy Commissioner as to the merits of Deobur Bur Doloye, Sudder Ameen of Kamroop, and of Bejoynarain and Madho Ram Khaond, Moonsiffs of Durung and Nowgong, respectively, and will, as suggested by the Deputy Commissioner, recommend to the Government that the salary of the former Officer be raised to 200 Rupees, and that of each of the Moonsiffs to 100 Rupees per mensem. It will of course be understood that the increase recommended is to be a personal allowance, and will not be granted as a matter of course to the successor in office of the above named functionaries.

Nature of Civil Suits.

"Most of the Civil suits in this Province for any sum above 300 Rupees, relate to division of property, commercial transactions amongst the foreign merchants residing in the Province, and occasionally (in the Goalparah division) for Land Revenue."

"The suits for sums below 300 Rupees, consist chiefly of mortagages, trifling sums due on bonds and breach of promise of marriage; the latter are very numerous indeed, far more so than any other description of suit, in consequence of the extreme loose manner such ceremonies are conducted, and the degraded way in which the women of this Province are bestowed in marriage, and are generally treated by their relatives."

"The only suit of any consequence pending at the end of the year requiring comment, is the case that was pending of the Kamroop Division in the Commissioner's Court, which was for shares of property valued at Rupees 9,72,001-0-0, which I am happy to report was disposed of soon after the close of the year, by the plaintiff's request, that it might be thrown out as they were not able to substantiate their claims and were perfectly satisfied."

"Native Judges."
"Sudder Ameens."

"Upon the conduct of all the Sudder Ameens for the last year most favorable reports have been made by all the Officers in charge of their respective Divisions. With the whole of these highly respectable Native Officers, I have been well acquainted for a very long period varying from 6 to 12 years, and every one of them have served under my immediate control, when I was officiating as Junior Commissioner and Political Agent in Upper Assam in 1829, or when I was an Assistant to

the Commissioner, in various, though high capacities, and a great portion of them have at my recommendation been selected for their present appointment, it is therefore extremely gratifying to me to see recorded by the most experienced Officers in the Province under whom they are now serving assurances of their undiminished zeal, it affords me another opportunity of assuring the Court of Sudder Dewanny Adawlut, and Government, that I have reason to believe the whole of the Sudder Ameens of Assam are deservedly popular, and much esteemed for the manner in which they conduct their public duties."

"It will appear by the Civil Statements and my observations on them, that in some of the Districts, but little business in the Civil Department, has been disposed of by the Sudder Ameens; this rises from the circumstance of there being but few suits of the kind they try existing in the Division; whatever quantity of business that was pending at the close of the year, was merely all of very late institution. These Officers have been employed* in trying Criminal cases and from their knowledge of accounts, and thorough acquaintance with the people, and customs of their respective Divisions, some of them have been employed frequently in examining and giving opinions on complicated accounts, which has kept them most usefully employed."

* Such confidence is placed in the persons who now hold the Sudder Ameenships of Assam, that it frequently happens during the dry season that they are the only Judicial officers left at the Sudder Station to superintend the current Office business, while the Assistants are on duty in the Mofussil, and very creditably they perform the duty They are also employed in giving opinions on numerous miscellaneous cases connected with the ancient customs of the country, and in many other eminently useful ways than is shewn in the Civil Figured Statements."

"The following figured Statement exhibits at one view the quantity of all kinds of business disposed of during the year 1839, by the Sudder Ameens in the Civil Courts:

Name of District and Sudder Ameen.	Number of Original Suits disposed of in 1839.	Number of Appeals.	Number of Miscellaneous Cases	Total of Civil Business.	Remarks.
Goalparah.					
Baboo Gooree Persaud, ...	47	26	218	291	
Kamroop.					
Baboo Roy Deobur Burdoloye, ...	204	156	589	949	"Besides, the Kamroop Sudder Ameen tried nearly double the number of criminal cases, that any other Sudder Ameen did during the year—
Durrung.					
Baboo Chunder Sein Bor Kagutty, ...	27	20	41	88	
Nowagong.					
Baboo Som Dutt Bur Dolye, ...	63	28	117	208	
Seebsagur.					
Baboo Radhanath Bor Boroowa, ...	45	21	29	93	
Luckimpoore.					
Baboo Bryjnath Bundaree Boroowa, ...	68	0	34	102	

by which it appears the Sudder Ameen of Kamroop, Baboo Deobur Burdoloye, has actually disposed of more original suits, appeals and miscellaneous cases in his single Court during 1839 than all the rest put together, except in original suits, which exceed all the rest by 136 cases."

"The conduct of Deobur Bur Doloye was duly reported on by me when submitting the Statements for that year, and was considered satisfactory by the Sudder Dewanny Adawlut, who brought his name to the favorable notice of Government in the copy of their resolution on the Assam Civil Statements submitted to Government with your letter No. 2815 of the 11th October last, and the present Officiating Principal Assistant of Kamroop has again in the strongest terms of praise brought this Native Judge's industry and integrity to notice during 1839. I cannot therefore withhold from him what he has now so justly earned, a strong recommendation to the Sudder Dewanny Adawlut (even was it for the sake of example alone) that his conduct be brought to the favorable consideration of Government with a view to his obtaining a higher grade of salary than is at present allowed, which is only 150 Rupees per mensem and venture to suggest that it be increased to 200 Rupees."

Moonsiffs.

"The conduct of the whole of the Moonsiffs generally, has been reported by the Assistants in charge of Divisions to have been very satisfactory during the past year; none of them have been recommended in particular by the Assistants in charge of Divisions for a higher grade of salary, but with reference to the extensive jurisdiction, and large population in it of the Moonsiff Bejoy Narain, Ex-Rajah of Neezee Durrung, of the Durrung Division, his high local rank, his great attention to his duties which are extensive, and the satisfaction he has given, that his name be brought to the favorable notice of Government, with a view of having his salary raised from 80 to 100 Rupees per mensem."

"I must also bring to the particular notice of the Sudder Dewanny Adawlut the high character for assiduity and integrity given to the Moonsiff of Nowgong, Modhooram Khoond, and beg to assure the Court that this Native Judge has by his impartiality and industry, gained for himself a very enviable name amongst the people of his Division, and I consider that the long and upright discharge of his duties gives him strong claims to be advanced in the same manner I have proposed for the Moonsiff Bejoy Narain of the Durrung Division."

The following figured Statement exhibits at one view the quantity of all kinds of business disposed of during the year 1839, by all the Moonsiffs of Assam in the Civil Courts.

Name of District.	Name of Moonsiffs.	No. of Cases decided on trial.	Dismissed.	Adjusted.	Total.	Miscellaneous.	Grand Total.	Remarks.
Goalparah, ...	1. Moneerooddeen, ...	239	14	3	256	293	549	
	2. Mahomed Aslum,...	31	17	17	68	130	198	
	3. Golam Ukuknee,...	8	8	1	90	186	276	
Kamroop, ...	1. Preonath, ...	279	92	10	381	15	396	
	2. Madhooram,.....	129	40	5	174	6	180	
	3. Degumber, ...	174	94	5	273	3	276	
	4. Gargoram, ...	181	82	2	265	9	274	
Durung, ...	Bejoy Narain, ...	166	33	29	228	17	245	
	Moheschunder,.....	149	54	7	210	30	240	
Nowgong, ...	Madho Khan Khaound,	248	5	0	253	7	260	
Seebsagur, ...	Kasseenath, ...	28	55	7	90	59	149	
	Mohessur,.....	17	86	14	117	54	171	
Luckenpore, ...	No Moonsiff yet appointed to this Division."							

" I deem it proper to mention that the ordinary fixed salary of the Native Judges of this Commissionership is—

For Sudder Ameen,..... 150 per mensem.
For Moonsiffs, ... 80 Do. Do.

At the recommendation of the Commissioner in 1838, 3* of the Moonsiffs of the Kamroop Division had their salaries raised to 100, as a special mark of favor, and the Sudder Moonsiff† of the Goalpara Division is allowed 150 Rupees per mensem; no Sudder Ameen has as yet been raised to a higher than the ordinary grade of salary originally fixed."

* Preonath Phokun. Luckhee Dutt Kurkee. Degumber Booroowa.

† Moomeerooddeen.

" In conclusion I have to express my hope that upon the whole the Statements, and my report on them, will be deemed by the Sudder Dewanny Adawlut satisfactory, and as scarcely any arrear appears in any of our Courts, that the Presidency Court will be satisfied that efficiency, combined with promptness, has during the period reported on, been evinced, and that Civil Justice equitably administered in the several Courts of the six Divisions of the Province of Assam."

Resolution of the Presidency Court of Sudder Dewanny Adawlut on the Annual Civil Statements of Arracan for the year 1839, *under date the* 18*th September* 1840.

PRESENT:

C. Tucker, Esquire, Judge.

Akyab. 1. The Court having had before them the Civil Statements of Arracan for the year 1839, record the following observations regarding the administration of Civil justice during the year.

2. The regular file of this District on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Senior Assistant Commissioner, ...	33	15
„ Tara Ma Soogree, ...	39	45
	72	60

shewing a decrease of 12 suits on the file of the Senior Assistant Commissioner.

3. The number of original suits and appeals instituted during the years 1838 and 1839, respectively, was as follows:

	1838.	1839.
Before Senior Assistant Commissioner,.....	59	47
„ Tara Ma Soogree, ...	246	213
	305	260

showing a decrease of 45 suits.

4. Mr. A. Phayre, Senior Assistant Commissioner, disposed of 65 suits in the manner noted in the margin.*

* Decided on trial,.....	55
Dismissed on default,...	6
Adjusted or withdrawn,	4
	65

5. The Tara Ma Soogree Potoong disposed of 272 suits during the year as indicated in the margin.* The appeals from this Officer's decisions, together with their results, are noted in the margin.†

* Decided on trial,.....	205
Dismissed on default,...	6
Adjusted or withdrawn,	61
	272

† Pending of 1838, ...	23
Preferred in 1839, ...	23
	46

Reversed,.....	21	
Confirmed, ...	17	
Dismissed, ...	4	
Pending, ...	4	
		46

MISCELLANEOUS FILE.

6. The Miscellaneous file of this District on the 1st January 1839 and 1st January 1840, respectively, was as follows:

	1839.	1840.
Before Senior Assistant Commissioner, ...	*52	26
Ditto Tara Ma Soogree, ...	0	1
	52	27

* The Report for 1838 drawn from Statements prepared in this Office, shows 105.

showing a reduction of 25 cases, with the exception of 18 petitions for the execution of decrees, there were no cases of importance pending on the Senior Assistant's file at the close of the year.

7. The marginal Statement shows the number of applications for the execution of decrees, and the year in which the cases pending at the close of 1839, were instituted. The Return is very satisfactory.

* Pending of 1838,.....	18
Admitted in 1839, ...	76
	94
Disposed of, ...	76
Pending, ...	18
In 1839, ...	18

* Sandoway.

8. The regular file of this District on the 1st January 1839 and 1st January 1840, stood as follows:

	1839.	1840.
Before Senior Assistant Commissioner, ...	9	10

shewing an increase of one suit.

9. The number of regular suits instituted during the years 1838 and 1839, respectively, was as follows:

	1838.	1839.
Before Senior Assistant Commissioner,.....	100	101

shewing an increase of one suit.

10. The whole of the original suits pending were instituted in the year 1839.

1839,.....	10

11. Mr. J. Morton, Senior Assistant, disposed of 91* suits during the year in the manner noted in the margin.*

* Decided on trial,.....	50
Dismissed on default,...	0
Adjusted or withdrawn,	41
	91

MISCELLANEOUS FILE.

12. The Miscellaneous file of the District of Sandoway on the 1st January 1839 and 1st January 1840, respectively, stood as follows:

	1839.	1840.
Before Senior Assistant Commissioner, ...	33	3

showing a decrease of 30 cases. The three pending cases were applications for the execution of decrees, of which 2 cases had been pending beyond one year.

* Pending of 1838, ...		2
Admitted in 1839, ...		22
		24
Disposed of, ...		21
Pending, ...		3
In 1838, ...	2	
In 1839, ...	1	
		3

13. The Statement in the margin* shows the number of applications for the execution of decrees pending at the close of 1839, and the years in which those applications were made. The results exhibited are very satisfactory.

Ramree.

14. The Regular file of this District on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Senior Assistant Commissioner, ...	14	13

showing a reduction of one case.

15. The number of regular suits filed during the years 1838 and 1839, respectively, was as follows:

	1838.	1839.
Before Senior Assistant Commissioner, ...	131	137

being an increase of 6 suits.

* Decided on trial,.....	75
Dismissed on default,...	0
Adjusted or withdrawn,	63
	138

16. The Senior Assistant Commissioner, Mr. D. Williams, disposed of 138 suits as noted in the margin.*

MISCELLANEOUS FILE.

17. The Miscellaneous file of the District of Ramree on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Senior Assistant Commissioner, ...	17*	11

* The number is stated at 22 in last year's Report.

showing a reduction of six cases. There were no cases of importance pending on the Senior Assistant's file at the close of the year.

* Pending of 1838,.....		6
Admitted in 1839, ...		22
		28
Disposed of,.....		24
Pending, ...		4
Before 1838, ...	1	
In 1839, ...	3	
		4

18. The marginal* Memorandum shows the number of applications for the execution of decrees pending at the close of 1838, the number admitted in 1839, and the manner of their disposal, together with the years in which the pending applications were instituted. The Return is satisfactory.

Aeng.

19. The Regular file of this District on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Junior Assistant Commissioner, ...	19	7

showing a reduction of 12 suits.

20. The number of regular suits instituted during the years 1838 and 1839, respectively, was as follows:

	1838.	1839.
Before Junior Assistant Commissioner, ...	50	85

showing an increase of 35 suits.

21. The Statement in the margin* shows the number of suits disposed of by the Junior Assistant Commissioner during the year.

* Decided on trial,.....	58
Dismissed on default,...	12
Adjusted or withdrawn,	27
	97

MISCELLANEOUS FILE.

22. The Miscellaneous file of this District on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Junior Assistant Commissioner, ...	1*	0

* It is stated at 4 in the Report for 1838.

23. The marginal* Statement shows the number of applications for execution of decrees and the years in which the cases pending at the close of the year, were instituted. The Statement is satisfactory.

* Pending of 1838,.....		3
Admitted in 1839, ...		20
		23
Disposed of		18
Pending, ...		5
In 1838, ...	3	
In 1839, ...	2	
		5

GENERAL REMARKS.

24. The Statements from the Arracan Division show that Civil Justice is promptly administered in all the Districts comprised in that jurisdiction; and are very creditable to all the Officers concerned, fully supporting the following remarks of the Commissioner.

"The documents herewith forwarded will, I trust, prove satisfactory to the Court. The Civil establishments in Arracan are tolerably efficient, and the conduct of the Assistants and Native Judges highly praiseworthy. It will be seen that business is dispatched with promptitude, the decisions passed appear to me to be generally equitable and correct, the Courts are in good odour with the people, and even in the execution of decrees there is but little delay."

25. With regard to the appended extract* from the Commissioner's letter of the 24th April last, the Court will recommend to Government, that the Tara Ma Soogree stationed at Akyab, be vested with power to receive and try suits of every description to the value of 1,000 Rupees, with the exception of pauper suits, which should be dealt with as proposed by the Commissioner. The Court observe with reference to cases of this kind, that under Act IX. 1839, proof should be required of there being good grounds for the suit ere it is admitted in formâ pauperis. The Court are further of opinion with reference to the Commissioner's letter No. 97† dated 21st August and its enclosure,‡ that the Tara Ma Sogree should be empowered to execute his own decrees in all unappealed cases, but that the execution of them in cases appealed, should be left to the Senior Assistant.

* Appendix No. 1.

† Appendix No. 2.
‡ Appendix No. 3.

26. The necessary orders regarding the proposed alterations in the forms of Periodical Returns, were communicated to the Commissioner with the Court's letter No. 2065 of the 26th June last.

Resolution of the Presidency Court of Sudder Dewanny Adawlut, on the Annual Civil Statements of Tenasserim Provinces, for the year 1839, *under date the* 18*th September*, 1840.

PRESENT:

C. TUCKER, ESQ., *Judge.*

The Court, having had before them the Civil Statements of the Tenasserim Provinces for the year 1839, record the following observations regarding the administration of Civil Justice during the year.

2. The Regular file of this Province on the 1st January 1839 and 1840, was as follows:

	1839.	1840.
Before Commissioner,	1	7
Ditto Senior Assistant,	2	4
Ditto Junior ditto,	0	0
Ditto the Tseetkays,	0	2
Ditto the Goung Gyoups,	4	0
	7	13

showing an increase of 6 suits.

3. The number of original suits and appeals filed during the years 1838 and 1839, respectively, was as follows:

	1838.	1839.
Before Commissioner,	63	84
Ditto Subordinate Authorities,	2631	3805
	2,694	3889

being an increase of 1,195 suits.

4. The marginal Statement shows the number of suits disposed of by the Commissioner and the Assistants and the Tseetkays and Goung Gyoups, during the year 1839.

	Decided on trial.	Dismissed on default.	Adjusted or withdrawn.	Total.
Commissioner, ...	64	3	11	78
Senior Assistant,	101	8	52	161
Junior Assistant,	638	53	1730	2421
Tseetkays, ...	362	0	513	875
Gyoung Gyops,	199	44	105	348
Total,.....	1364	108	2411	3883

5. The Court observe that of the suits disposed of by the Commissioner, 7 were original suits, and the remainder appeals from the decisions of the Assistants and the Native Judges. Of the appeals from the Assistants in this Province, 23 were reversed, 11 adjusted or withdrawn and 34 confirmed, and 6 were pending at the close of the year. The results are not very favorable. The number of appeals disposed of from the decisions of the Tseetkay, is noted in the margin,* and is considered to be satisfactory. These appeals were disposed of chiefly by the Assistant.

* Confirmed,..... 16
Reversed,..... 6
Adjusted, &c 3

Merguie.

6. The Regular file of the Province of Merguie on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before Commissioner, ...	0	3
Ditto Assistant,.....	0	3
Ditto Tseetkays, ...	3	1
Ditto Goung Gyoups, ...	0	0
	3	7

showing an increase of 4 suits.

7. The number of regular suits instituted during the years 1838 and 1839, respectively, was as follows:

	1838.	1839.
Before Commissioner, ...	13	6
Ditto Assistants, &c., ...	1048	945
	1061	951

showing a decrease of 110 suits.

8. The Statement entered in the margin* shows the number of suits disposed of during the year under review by the Commissioner, the Assistants, the Tseetkays, and Goung Gyoups.

	Decided on trial.	Dismissed on default.	Adjusted or withdrawn	Total.
Commissioner...	9	0	1	10
Assistant, ...	119	1	38	158
Tseetkays, ...	262	2	424	688
Goung Gyops,...	67	2	30	99
Total,.....	457	5	493	955

9. Three cases were tried with the assistance of Assessors.

From Assistant's decisions		
Pending of 1838, ...	4	
Admitted in 1839, ...	5	
		9
Confirmed, ...	7	
Reversed, ...	1	
Adjusted, &c., ...	1	
		9
From Native Judges' decisions		
Pending of 1838, ...	0	
Admitted in 1839, ...	25	
		25
Confirmed, ...	19	
Reversed, ...	5	
Pending, ...	1	
		25

10. The number of appeals from the decisions of the Assistants and Native, Judges respectively disposed of by the Commissioner, is noted in the margin. The results are considered to be very satisfactory.

Tavoy.

11. The regular file of the Province of Tavoy, on the 1st January 1839 and 1st January 1840, was as follows:—

	1839.	1840.
Before Commissioner, ...	0	0
Ditto Assistant, ...	4	9
Ditto Tseetkays, ...	2	6
Ditto Goung Gyoups, ...	0	0
	6	15

showing an increase of 9 suits.

12. The number of regular suits instituted during the years 1838 and 1839, respectively, was as follows:

	1838.	1839.
Before Commissioner, ...	0	2
Ditto Assistants, &c.	1226	1195
	1226	1197

showing a decrease of 29 suits.

	Decided on trial.	Dismissed on default.	Adjusted or withdrawn	Total
Commissioner, ...	2	0	0	2
Assistants, ...	93	3	13	109
Tseetkays, ...	262	0	294	556
Goung Gyoups....	285	0	236	521
Total, ...	642	3	543	1188

13. The Statement in the margin shews the number of suits disposed of by the Commissioner, the Assistants and the Tseetkays, and Goung Gyoups, in the Province of Tavoy, during the year under review.

	Pending of 1838.	Admitted in 1839.	Total	Confirmed.	Reversed	Adjusted, &c.	Pending.
Assistants, ...	0	2	2	1	1	0	0
Tseetkays, ...	1	35	36	23	9	0	4
Goung Gyoups,	3	24	27	18	7	2	0

14. One case was tried with the assistance of Assessors.

15. The number of appeals pending from the decisions of the Assistants and Native Judges at the close of 1838, the number instituted and decided, and pending at the close of 1838, are stated in the margin. The Statement is very satisfactory.

GENERAL REMARKS.

16. The Statements for the whole of the Districts comprised within the jurisdiction of the Commissioner of the Tenasserim Provinces, show that the business of the Civil Courts is in a very satisfactory state. There are no arrears of any kind, and the whole of the Officers of the several Courts appear to have paid great attention to their respective duties.

17. With reference to the 14th and 15th paragraphs of the Court's Resolution on the Returns from the Provinces for the year 1838, the Commissioner submitted his Report of the 25th February last, on the administration of Civil Justice within his jurisdiction for the year 1839. A consideration of this Report, and of the information furnished by the Statement now before them, have satisfied the Court that the Returns prescribed by their Resolution of the 28th September 1838, are not well adapted to the state of these Provinces. The Court accordingly issued their instructions of the 19th June last, to the Commissioner, calling for forms of a more simple character, such as the Commissioner might consider calculated to put the Court in possession of the necessary information regarding the working of the system at present in force in Tenasserim. Copies of the Commissioner's report, and of the Courts reply, will be forwarded with their Resolution for the information of the Government.*

* *Note.*—Copies of the subsequent correspondence are also forwarded—
From Commissioner, 28th August 1840, No. 9, and enclosures.
To ditto, 28th November, No. 4081, and enclosures.
Vide Appendix Nos. 4 & 5.

Resolution of the Presidency Court of Sudder Dewanny Adawlut, on the Annual Civil Statements of Cachar for the year 1839, under date the 18th September, 1840.

PRESENT:

C. TUCKER, Esq., *Judge.*

The Court having had before them the Annual Statement of regular suits disposed of by the Courts of Cachar in the year 1839, record the following observations.

2. The Regular file of this District on the 1st January 1839 and 1st January 1840, was as follows:

	1839.	1840.
Before the Superintendent,.....	15	25
Ditto Native Courts,.....	201	377
	216	402

showing an increase of 186 suits.

3. The number of regular suits instituted during the years 1838 and 1839, was as follows :

	1838.	1839.
Before Superintendent,.....	28	56
Ditto Native Courts,.....	218	512
	246	568

showing an increase of 322 suits.

4. The Superintendent disposed of 20 suits during the year under review in the following manner, viz.

Decided on trial,.....	15
Dismissed on Default,.....	4
Adjusted, &c., ...	1
	20

5. The Native Judges disposed of 361 cases in the following manner, viz.

Decided on trial,.....	186
Dismissed on default,.....	117
Adjusted or withdrawn,.....	58
	361

6. The number of appeals from the decisions of the Native Judges pending at the close of 1838, the number preferred in 1839, and the manner in which they were dealt with, are shewn in the margin.* The Superintendent observes, that the Native Judges have given him every satisfaction, and that they are all steady characters.

* Pending of 1838,.....	11	
Admitted in 1839, ...	16	
		27
Confirmed, ...	7	
Reversed, ...	3	
Adjusted, &c., ...	1	
Dismissed on default, ...	2	
Pending, ...	14	
		27

MISCELLANEOUS FILE.

7. The Miscellaneous file of this District on the 1st January 1839 and 1st January 1840, was as follows :

	1839.	1840.
Before Superintendent,.....	133	138
Ditto Native Judges,.....	99	76
	232	214

showing a decrease of 18 cases. The most important of the miscellaneous cases pending before the Superintendent, are indicated in the margin.*

* Forcible dispossession,	31
Execution of decrees, ...	69

8. The Statements do not appear to call for any further remarks. In order to expedite the decisions of the numerous cases pending before the Native Courts, the Court have recommended to the Government an increase to the Judicial establishment of this District, Court's letter to the Government No. 2,622, dated 31st July 1840. The Court would wish to see the result of this measure ere recommending to the Government to check resort to the Civil Courts by the imposition of any tax on suitors, as suggested by the Superintendent in his Report of the 7th March last, forwarding the Statements; Extracts from which will be submitted, with their Resolutions, for the information of Government.

Appendix No. 6.

Resolution of the Presidency Court of Sudder Dewanny Adawlut on the Annual Civil Statements of Cossya Hills, for the year 1839, *under date the* 18*th September*, 1840.

PRESENT:

C. TUCKER, ESQ, *Judge.*

The Court having had before them the Annual Statements of regular Suits disposed of in the Civil Court of the Cossya Hills in the year 1839, record the following observations:

2. At the close of the year 1838, there were 6 suits pending, and 13 were instituted during the year 1839, making a total of 19 suits. Of these, 2 were decided on trial, and 1 dismissed on default, and 16 were pending at the end of 1839, in consequence, it is stated, of the plaintiffs not being present to carry on proceedings. The Court do not consider this explanation to be sufficient, and will request the Agent to enter more fully into the causes which have operated to prevent the decision of the suits, some of which must have been pending for upwards of a year.

3. No further remarks are called for.

(True Copies,)

J. HAWKINS, *Register.*

APPENDIX TO THE RESOLUTIONS ON THE ARRACAN STATEMENTS.

No. 1.

"The present system of administration appears to me to work extremely well. The only Officers engaged in civil business are the Commissioner, the four Senior Assistants in charge of the four Districts, and the Tara Ma Soogree or Sudder Ameen at Akyab, the Sudder Station of the District of Arracan proper, but which is now more commonly designated the District of Akyab."

"The Tara Ma Soogree has original jurisdiction in suits for real and moveable property not exceeding 500 Rupees in value, but he is not competent to execute his own decrees, or to investigate cases in which Europeans or the Omlah are concerned, nor suits arising out of defamation of character, loss of honor, &c. or regarding divorce, or recovery of wives, as also the suits of paupers, all of which are tried by the Senior Assistant, but I am not aware of any sufficient reason why the Tara Ma Soogree should not decide suits of every kind and description not exceeding 1000 Rupees in value, except the suits of paupers which involve privileges which are often abused, and I would accordingly recommend that the Tara Ma Soogree should

be empowered to receive and decide upon all plaints in which the value of the object of litigation may not exceed 1000 Rupees in value, except pauper suits, which I would recommend should be filed in the Senior Assistant's Court, and proof of pauperism having been established to the satisfaction of that Officer, he should be empowered to make the case over to the Tara Ma Soogree, with orders to investigate it in forma pauperis.

" The Senior Assistants have original jurisdiction in all suits, and without limit as to value; it however rarely happens that a case is brought forward in Arracan in which the object of litigation exceeds 1000 or 1500 Rupees. The Senior Assistant at Akyab also decides appeals from the decision of Tara Ma Soogree, and executes all the decrees of that Officer.

" The Commissioner has ordinarily no original jurisdiction in civil suits, though not precluded from entering on them should occasion require it. He however tries all appeals from the decisions of the Senior Assistants in all cases tried by them, and special appeals from the decision of Senior Assistant at Akyab on suits previously decided by the Tara Ma Soogree.

" The Junior Assistant is employed under the Senior Assistant at Akyab, but almost entirely in the criminal department. He has no civil file at present.

" The Mroo Soogrees, the Soogrees and Kyouks, are solely employed in revenue matters, or occasionally as jurymen, assessors, or arbitrators, and in questions involving local customs, or points of Burmese law, the opinion of the Mroo Soogree is frequently taken as that of a Law Officer, but he has no jurisdiction whatever, and consequently ought not to be entered in the Civil Returns."

No. 2.

In reply to the last paragraph of your letter of 26th June last, I have now the honor to submit the opinion of my Senior Assistant Lieutenant Phayre on the Native Judge being allowed to execute his own decrees.

My own opinion is, that benefit would attend the execution of decrees being left to the Senior Assistant, especially if the Tara Ma Soogree is allowed to try cases in which Europeans, Government servants, &c. are defendants, as it would bring the proceedings of the Native Judge a good deal under the notice of his superior, and operate as a useful check, besides which, the process of the Law would be carried into effect by the Senior Assistant, and perhaps more mildness and consideration than might otherwise be the case, at the same time without prejudice to rights of parties.

No. 3.

In reply to the 3d paragraph of Circular No. 2065 of the Sudder Dewanny Adawlut, forwarded with your letter No. 598, dated 15th instant, I beg to state, that I see no objection to the Tara Ma Soogree executing the decrees of his own Court in those suits, in which no appeal has been prepared.

APPENDIX TO THE RESOLUTION ON THE TENASSERIM STATEMENTS.

No. 4.

From Commissioner of Tenasserim Provinces to the Court, dated 25th February 1840. *No.* 86.

I have the honor to forward the Civil Statements of the Courts of these Provinces for the last quarter of the past year, together with similar Statements for the whole of the year 1839. The delay in forwarding them has been caused by my not having received those of the Southern Provinces till very lately, owing to their having been dispatched to me by a native vessel which took upwards of a month in making this short voyage.

I proceed to report on the several points mentioned in your Circular of 28th September 1838, as far as they may be applicable to the Courts of these Provinces.

The number of decisions passed by each Officer is exhibited in the Statement, and as there are no arrears, this Statement gives the sum of litigation in the Province. I have already in a former letter endeavoured to explain that there can generally be no arrears unless indeed of appeals before myself, instituted perhaps during my absence from this, or the other Stations. Statement No. 1. Amherst.

Out of 719 cases decided by the Assistants, 74 only have been appealed, or about one in 10, which I presume is a satisfactory proportion, and as 12 only of these decisions were reversed, their quality may be considered generally good. Out of 362 cases decided by the Tseetkays, 25 only have been appealed, while of 199 cases decided by the Goungkyauts none have been appealed. Of the 25 appeals from the Tseetkays, 6 only have been reversed, from which facts it may I think be inferred that these Officers give satisfaction in their Judicial capacity. The Goungkyauts, as the Court is aware, are Native Judges, having cognizance of cases to the extent of 50 Rupees and holding their Courts in their villages. The very few number of cases brought before them, is evidence of the quiet habits and dispositions of the villagers and the absence of all appeals from their decisions may in one view be deemed evidence of the general correctness of the decrees of the Goungkyauts, though in another, it may be thought, that as the amount in dispute must generally be very small and our people are generally rich, the litigants may not have thought it worth their while to come into town about the matter. When there have been appeals from the decisions of the Goungkyauts they have generally been heard by the Assistants instead of by the Tseetkays as laid down. This is done in order to take advantage of such opportunities for learning the ground of their decisions and ascertaining their general fitness for their Judicial duties. I would remark that neither this or any of the other Statements have a column exhibiting the number of decisions that may be merely modified or altered, on appeal. In default of such column such altered decrees appear under the head of "In favor of Appellant."

The execution of decrees as formerly stated, follows the decree as matter of course, consequently there is nothing to say on this head. Some of the facts exhibited in this Statement require a few remarks.

The few original suits decided by the Commissioner were brought before him during the absence of one of his Assistants and at the desire of the parties in order to save time.

Of 3900 suits instituted during the year only 1364 have been decided,—of the remainder 2411 have been adjusted or withdrawn, 108 dismissed on default and 13 were pending. In 1838 the relative number of cases decided and withdrawn was 1204,—1392, giving an increase during 1839 of a thousand in the number adjusted or withdrawn. I am inclined to look on the number of suits thus withdrawn as rather in favor of the character of the Courts, as shewing that none but bona fide defendants can find any advantage in going through them, indeed a dishonest creditor, desirous only of putting off a settlement, would not meet with sufficient assistance from the proceedings of these Courts, to render it worth his while to contest.

Of the 1364 cases decided, 1025 were given in favor of the plaintiffs and 339 in favor of defendants (here again there is no column to denote the number of cases in which the decrees are partly only in favor of the plaintiff, that is, where a portion only of his claim is allowed him). How far this proportion may be deemed generally satisfactory I know not, nor am I aware that any particular inference can be drawn from it.

Tavoy. Of 34 decisions by the Assistant only two have been appealed, one of which was reversed or altered or modified, there being no column to distinguish. Of 262 decisions by the Tseetkay, 35 were appealed, of which 21 were reversed.

Of 285 decisions by the Goungkyauts, 26 were appealed, of which 20 were reversed. These last appeals have all been decided by the Assistant partly from the reason already alluded to and partly from having so few original suits before him.

The amount of litigation in this Province is very small and exhibits scarcely any variation from year to year. There is little or no trade in the place and the suits instituted are generally for very insignificant sums.

Mergui. Of 95 decisions by the Assistant, five have been appealed, of which one may have been reversed. Of 262 decisions by the Tseetkay, 25 have been appealed, of which five have been reversed—of 67 decisions by the Goungkyaut, none have been appealed.

In these two Provinces the proportion between the number of cases decided and those adjusted or withdrawn is very much the same, as is also the proportion of appeals taken, but in Tavoy Province, the number of decisions reversed is greater. The fact of so many as 21 out of 36 of the Tseetkay's decrees and 20 out of 26 of the Goungkyauts having been reversed, I am not prepared at this moment to explain, but will investigate it on my next visit to that Station.

I am convinced that the nature and object of this Statement is not thoroughly understood by my Assistants and myself, and that the difficulty lies in the meaning of the word "Petition." I believe that in the Regulation Courts, all what is termed "Miscellaneous business" is instituted by petition, drawn up in prescribed form, on stamped paper, under the inspection of a pleader of the Court. Here nothing of the kind exist. Any one who desires is at liberty to address the Judge either by word of mouth or in writing of any description or any language either in the Court or out of it. Whether every thing thus brought before the Judge is to be inserted in this Statement I know not, but such have been my direction to my Assistants, and I know that it is a matter of much difficulty with them to classify these requests or petitions, for they are generally of a most heterogenous nature, involving as much Magisterial and Police as Judicial points. Again, this Statement is to exhibit the number of these petitions that may have been disposed of during the year, and may be pending at the close of it. This is quite inapplicable to the so-called petitions received by these Courts which are disposed of at once on the spot, the object of the petition being either granted or refused or the petitioner recommended to adopt any particular course. If the object of this Statement be to ascertain the quantum of Judicial work performed by each Officer independent of the suits before him, it does not appear to me to be adopted to such a purpose, as it can only exhibit the number of petitions presented without giving any idea of their nature.

Statement No. 3.

This again is a Statement which does not appear suited to the object of ascertaining the quantum of work performed by the Native Judges, under the system now in force in their Courts. No decrees are sent to them to execute and the execution of their own follows as matter of course on the decrees themselves. It is very seldom that any Miscellaneous Cases are referred to them by the English Judge, and as to any arising in their own Courts the whole judicial duty performed by them would perhaps, elsewhere be classed under the head of "Miscellaneous Cases." From the headings of the columns of this Statement it would appear to be the chief object of this Statement to ascertain the delay, if any, that may take place in the Courts of the Native Judges, in executing their own and other decrees transmitted to them, but as I have before stated no such arrears can well exist under the system now in force here.

Statement No 5.

This Statement is forwarded because desired by the Court, but I do not understand the object of it as the information it affords is already exhibited in Statement No. 1. Having now gone through the several Statements and made a few remarks on the results exhibited by them, and especially on their general inapplicability to the Judicial system in force in these Provinces, I am desirous of suggesting to the Court a sketch of such Statements as will in my opinion, tend better to render the Court acquainted with the nature, amount and general quality of the work performed by Judicial Officers on this Coast, observing however that Judicial duties are a portion only of those devolving on my Assistants and myself. Statement No. 1, as now prepared, I have no desire to alter in any manner as it seems fairly to exhibit the number of original suits and appeals heard and decided by each Officer, but in lieu of the remaining Statements as now forwarded, I would recommend—

1st. A Statement relative to the execution of decrees, exhibiting the number of decrees and amount, executed without further process. Ditto by writ of execution number remaining unexecuted—Remarks, giving the cause of such non-execution.

The process pursued in our Courts when a decree has been given against an individual and a satisfactory arrangement is not made, either for immediate or subsequent payment, is to confine the person in the Debtor's Jail. If after a short period of confinement, no arrangement is made for payment of the decree, then enquiries are made in the Debtor's means, and any property he may be known to possess is seized by writ and disposed of, the Debtor being subsequently released on personal security or without, as may be deemed adviseable. The column therefore in the above proposed Statement would give the number of suits in which a writ of execution has been issued for the seizure and sale of property, while the column of decrees unexecuted will shew the number of suits in which the debtors are in confinement. A Supplementary Statement may give the number of debtors so confined during a quarter and the particulars of each case, while a further Statement prepared by myself, will give the number of such cases revised by me during the quarter with the orders passed on each.

A Statement of the above kind appears to me adopted to afford the Court of Sudder Dewanny the information they desire to have before them of the working of the system established in these Provinces, and I am not aware of any other Statement that would be useful, unless it be one giving an abstract of all petitions, written or verbal, made to the Courts, with the orders passed thereon. This would give the best idea of what can be called the miscellaneous business of these Courts.

Another Statement which I would propose, though I am not aware whether the Court of Sudder Dewanny desire such information, is one classifying the several suits before each Court, exhibiting the cause of and the amount in litigation.

In conclusion I trust the Court of Sudder Dewanny, whether the above suggestions of mine be adopted or not, will give me credit for the desire of affording every possible information on the business before the Civil Courts of these Provinces. I can have no other object in thus proposing to substitute Statements which appear to me to afford such information, for those called for by the Court, which do not appear to exhibit it.

(Signed) E. A. BLUNDELL,
Commissioner in the Tenasserim Provinces.

No. 5.

From Court to the Commissioner of Tenasserim Provinces, dated 19th June, 1840. *No.* 2031.

1. The Court, having had under consideration your letter of the 25th February last, and the Statements submitted therewith, and having also reverted to

your letter of the 29th December 1838, and their reply of the 15th March 1839, are of opinion that the Statements now submitted are not adopted to the state of things existing in the Provinces placed under your charge.

2. The Resolution of the 28th September 1838, and the Court's letter of the 15th March 1839, will have explained to you the general nature of the information required by the Court, in order to enable them to furnish the Government with an Annual Report on the actual state of the Civil business in Tenasserim.

3. Under these circumstances the Court request that you will, at your earliest convenience, submit for the consideration and orders of the Court, a set of Quarterly and Annual Forms, such as may be in your opinion adapted to the state of the Civil administration of the country, and calculated to put the Court in possession of the information they require.

4. With reference to your letter of the 29th December 1838, it appears to the Court necessary, that these forms should shew the number of complaints preferred—the number of defendants appearing in Court—the number of decrees passed—the number executed by arrangements before the parties leave the Court—the number of defendants placed in confinement in the Debtor's prison. A Return of the persons confined during the quarter, shewing the number in Jail at the end of the preceding quarter—the number incarcerated—the number released during the quarter, and the number remaining in Jail at the end of the quarter—the number of cases in which plaintiffs or appellants have been fined for preferring frivolous or vexatious cases—the amount of fees levied for summoning the defendant, and the amount of fees levied for summoning witnesses. These Returns could, the Court conclude, be furnished with ease, for such business as you and your Assistants transact at the principal Station in the Provinces.

5. Regarding business performed during the tours, the Court would wish to be informed in the Quarterly Report, what number of tours had been made in the quarter by you or your Assistants, and what quantity of summary business had been disposed of in each tour. If this information cannot be given with sufficient preciseness at the time, the Court, concluding that there is some record kept of the orders passed for future reference, request, in that case, that a separate Return may be made of the business performed in these tours, giving the best information in the simplest forms of the business actually performed that can be devised.

6. With reference to the latter part of the 7th para. of your letter of the 29th December 1838, I am directed to inform you that, under the explanation given by you, the Court would not object to receive Statements and Reports that combined the Judicial and Police business disposed of, should it be found impracticable to separate the same; but that they would not wish any Revenue cases to be included in the Returns sent up to them.

(Signed) J. HAWKINS, *Register.*

APPENDIX TO THE RESOLUTIONS ON THE TENASSERIM STATEMENTS.

No. 5.

From the Commissioner of the Tenasserim Provinces to the Court, No. 9, dated 28th August, 1840.

I have the honor to acknowledge the receipt of your letter No. 2031, of 19th June last.

I have now the honor to submit for the consideration and orders of the Court, a set of Statements which appear to me to embody all the desired information connected with the Civil Courts of these Provinces.

No. 1 is very similar to that hitherto furnished.

No. 2 will exhibit the mode in which decrees have been executed, together with a Statement of persons confined on account of such decrees.

No. 3 will give every information relative to fees collected by the Court, and to money deposited therein on various accounts.

No. 4 will exhibit what may be called the miscellaneous business of the Courts, that is, all matters that may have been investigated and orders passed thereon, without going through the form of instituting regular suits. A column is given in this Statement for those cases wherein the applicants may be directed to institute regular suits.

Should these Statements be deemed satisfactory, I would propose that they be furnished both quarterly and annually, the Annual Statement (which will be merely a compendium of the four quarters) to be accompanied by a general Report on the administration of Civil Justice within the Provinces.

In anticipation of the general approval of these Statements by the Court, I shall direct them to be made out for the present (3d) Quarter, and any alterations suggested by the Court will be attended to on the ensuing Quarter.

(Sd.) E. A. BLUNDELL.

No. 1.

Abstract Statement of Regular Suits pending, instituted and disposed of by the Civil Courts of the Province of *for the*

1.	2.	3.	4.	5.	6.	7	8.	9.	10.	11.	12.	
					DECIDED.							
Denomination of Courts and Description of Suits.	Pending at the end of last Quarter.	Instituted during the Quarter.	Total.	Wholly in favor of Plaintiff or Appellant.	Partly in favor of Plaintiff or Appellant.	Wholly in favor of Defendant or Respondent.	Total Decided.	Dismissed on Default.	Adjusted or Withdrawn.	Total.	Pending at the end of the Quarter.	
Before Commissioner.												
1st. Original Suits, ...												
2d. Appeals from Assistant Commissioner,.....												
3d. Ditto Tseet Kays, ...												
4th. Ditto Goung Gyops, ...												
Total,.....												
Before Assistant to Commissioner.												
1st. Original Suits, ...												
2d. Appeals from Tseet Kays,.....												
3d. Ditto ditto Goung Gyops,.....												
Total,.....												
Before Tseet Kays.												
1st. Original Suits, ...												
2d. Appeals from Goung Gyops,.....												
Total,.....												
Original Suits before Goung Gyops, ...												
Grand Total,.....												

No. 2.

STATEMENT of the executions of Decrees in the Courts in the Province of during the months of 184 , and of the number of persons and amount for which they are confined in the Debtor's Jail.

1.	2.	3.	4.	5.	6.	7.	Debtors in confinement at the close of last Quarter.		Confined during the Quarter.		Total.		Released during the Quarter.		Remaining at the end of the Quarter.	
Denomination of Courts and description of Cases.	Remaining unexecuted last quarter.	Number of Decrees passed.	Total.	Number of Decrees satisfied.	Number of Decrees executed by confinement of Defendant or sale of Property.	Number of Decrees remaining unexecuted.	Persons.	Amount.	Persons.	Amount.	Persons.	Amount.	Persons.	Amount.	Persons.	Amount.
Before Commissioner.																
1st. Original Suits....																
2d. Appeals from Assistant Commissioner....																
3d. Ditto ditto Tseet Kays,																
4th. Ditto ditto Goung Gyops,																
Total,.....																
Before Assistant to Commissioner.																
1st. Original Suits,.....																
2d. Appeals from Tseet Kays,																
3d. Ditto ditto Goung Gyops,																
Total,.....																
Before Tseet Kays.																
1st. Original Suits,.....																
2d. Appeals from Goung Gyops,.....																
Total,.....																
Original Suits before Goung Gyops, ...																
Grand Total,.....																

No. 3.

STATEMENT of Fees and Fines levied in the Courts of the Province of *during the months of* 184 *and of the Money Deposits in those Courts.*

1.	2.	3.	4.	5.	6.	7.	8.	Deposits.				
Denomination of Courts and Description of Suits.	Number of Defendants summoned.	Number of Defendants who appeared in Court.	Amount Fees levied for summoning Defendants.	Number of Witnesses summoned.	Amount of Fees levied for summoning Witnesses.	Number of Cases in which parties have been fined for frivolous Suits.	Amount so levied.	Balance remaining last Quarter.	Received during the Quarter.	Total.	Paid during the Quarter.	Remaining at the end of the Quarter.
Before Commissioner.												
1st. Original Suits,.....												
2d. Appeals from Assistant Commissioner,.....												
3d. Ditto Tseetkays, ...												
4th. Ditto Goung Gyoups,...												
Total,.....												A.
Before Assistant Commissioner.												
1st. Original Suits,.....												
2d. Appeals from Tseetkays,												
3d. Ditto Goung Gyoups,...												
Total, ...												B.
Before Tseetkays.												
1st. Original Suits,..... ...												
2d. Appeals from Goung Gyoups, ...												
Total,.....												C.
Original Suits before Goung Gyoups, ...												D.
Grand Total, ...												

ABSTRACT of the nature of Deposits in the Courts.

A

B

C

D

No. 4.

STATEMENT of the Miscellaneous business in the Courts of the Province of *during the months of* 184

1.	2.	3.	4.	5.	6.	7.	
No.	NATURE OF PETITIONS.	Remaining undisposed of at the end of last Quarter.	Presented during the Quarter.	Disposed of.	Referred to the Courts.	Remaining undisposed of.	
	For the possession of disputed lands, ...						
	For the settlement of boundaries, ...						
	For insolvency under the Regulations, ...						
	For divorce or separation, ...						
	For maintenance, ...						
	For execution of decrees, ...						
	Miscellaneous.						

No. 6.

From the Court to the Commissioner of the Tenasserim Provinces, dated 20th November 1840. *No.* 4081.

The Court having had before them your letter No. 9, of the 28th August last, direct me to inform you they are of opinion, on the whole, that you should adopt the forms of Statements in use in the Extra Regulation Provinces of Assam and Arracan, and which have been recently simplified to adapt them to the circumstances of those Provinces.

2. I have been directed therefore to transmit to you the accompanying Forms, which you are requested to substitute for the Forms Nos. 1, 2, and 3, prescribed by the Resolution of the 28th September 1838. You will observe that the Statements No. 1A. and No. 2A. are intended to shew the state of business in the Courts of the several Zillahs, separate returns being made for each; and Statements No. 1B. and No. 2B. are of the same Form for the Court of the Commissioner only. You will be pleased to adopt these Forms from the ensuing year.

3. The same Forms will be adopted for the Annual Returns Nos. 1, 2, and 3, commencing with 1841. The Annual Statements 4, 5, and 6, prescribed by the Resolution of the 28th September 1838, will be sent as heretofore, with the change of numbers to 3, 4, and 5, respectively.

4. The Form No. 3 sent by you, ought, in the opinion of the Court, to be transmitted to the office of the Judicial Accountant, with whom you should communicate on the subject. A summary of the information which this Statement is calculated to give, may be included in your General Reports on the administration of Civil Justice in Tenasserim.

5. The Statement No. 2A and B. above prescribed, will include all information regarding execution of decrees and other miscellaneous cases; but the Court observe, with reference to certain headings in the Form of Statement No. 4, sent by you, that suits for divorce and maintenance should be treated as regular cases.

(Signed) J. HAWKINS, *Register.*

No. 1A.

Statement of Regular Suits and Appeals pending, instituted and disposed of by all the Authorities, British and Native, in the Zillah of in the quarter ending with 184 .

1.	2	3.	4.	5	6.	7.	8.	9	10	11.	Remarks.
Names of the Officer and Station.	Description of Suits.	Pending at the end of the Quarter.	Instituted or received by transfer.	Total.	Decided on Trial.	Settled by compromise or dismissed on default.	Transferred or otherwise disposed of.	Total disposed of.	Pending at the end of the Quarter.	Of which have been pending beyond one year.	Explain briefly why any case has been pending beyond one year. Explain briefly cause of paucity of decisions.
Principal Assistant to Commissioner.	Original Suits,										
	Appeals from Tseet Kays,										
	Do from Goung Gyops.										
Junior Assistant to Ditto.	Original Suits,										
	Appeals from,										
Sub-Assistant.	Original Suits,										
	Appeals from,										
Tseet Kays.	Original Suits,										
	Appeals from Goung Gyops,										During the year 184 the Principal Assistant Commissioner was employed. *Days.* In the Civil Court, ... In Criminal duties, ... Revenue duties, ... Miscellaneous duties, ... Sundays and other Christian Holidays, ... Hindoo Holidays, ...
Goung Gyops.	Original Suits,										
Total,	Original Suits,										
Total,	Appeals, ...										

The 184 } *Commissioner.*

No. 2A.

Statement of Miscellaneous Cases pending, instituted and disposed of by all the Authorities, British and Native, in the Zillah of in the quarter ending with 184

1.	2.	3.	4.	5.	6.	7	8.	9.	10.	11.	Remarks.
Name of the Officer and Station.	Description of Suits.	Pending at the end of the Quarter	Instituted or received by transfer.	Total.	Decided on Trial.	Settled by compromise or dismissed on default.	Transferred or otherwise disposed of.	Total disposed of.	Pending at the end of the year.	Of which have been pending beyond one year.	Explain briefly why any case has been pending beyond one year. Explain briefly cause of paucity of decision.
Principal Assistant to Commissioner.	Execution of Decrees, ...										
	Other Miscellaneous Cases,										
Junior Assistant to Commissioner.	Execution of Decrees, ...										
	Other Miscellaneous Cases,										
	Execution of Decrees.....										
	Other Miscelneous Cases,										
Tseet Kays.	Execution of Decrees,.....										
	Other Miscellaneous Cases,										
Goung Gyops.	Execution of Decrees,.....										
	Other Miscellaneous Cases,										
Total,	Execution of Decrees,.....										
Total,	Miscellaneous Cases,.....										

Commissioner.

No. 1B.

STATEMENT of Regular Suits and Appeals pending, instituted and disposed of by the Commissioner in the Tenasserim Provinces, in the Quarter ending with 184 .

DESCRIPTION OF SUITS.	Pending.	Filed.	Total.	Decided on trial.	Dismissed on default.	Disposed of otherwise.	Total.	Pending.	Beyond one year.	REMARKS.
Original Suits, ...								*		* So many from Amherst. So many from Mergui. So many from Tavoy.
Appeals, ...								†		† So many from Amherst. So many from Mergui. So many from Tavoy.
Total, ...										

During the year 184 the Commissioner was employed in the Civil Court days.

No. 2B

STATEMENT of Miscellaneous Cases pending, instituted, and disposed of by the Commissioner in the Tenasserim Provinces, in the Quarter ending with 184 .

DESCRIPTION OF SUITS.	Pending.	Filed.	Total.	Decided on trial.	Dismissed on default.	Disposed of otherwise.	Total.	Pending.	Beyond one year.	REMARKS.
Execution of Decrees, ...							*			* So many from Amherst. So many from Mergui. So many from Tavoy.
Other Miscellaneous Cases, ...							†			† So many from Amherst. So many from Mergui. So many from Tavoy.
Total, ...										

Commissioner.

APPENDIX TO THE RESOLUTIONS ON THE CACHAR STATEMENTS.

No. 7.

Cachar labors under disadvantages, decrees cannot be executed, as the sale of lands is not authorized which accounts for the number of applications for the execution of decrees still pending litigation, is most rife in this District, as the suitors incur no expense calculated to repress it. The people of Cachar, as a body, are in a remarkable degree better off than the inhabitants of the neighbouring Districts of Sylhet, &c. owing to the productiveness of the soil, and consequent profit, added to taxation being extremely light. It would be an error to suppose them more backward in cunning and evasion, than their neighbours, I most humbly therefore would beg to recommend the introduction of the Stamp Laws, for I am persuaded the measure would prove a blessing to the people, as the number of suits would be reduced, and justice be better and more speedily administered in consequence, and a salutary check put to the filing of groundless and vexatious petitions. I recommended the introduction of the Stamp Laws, shortly after assuming charge, chiefly from what I learnt from my predecessor on the subject, my experience during the last seven months has convinced me of the necessity for some check, and I can suggest no other than the Stamp Laws in their absence, the Cacharees are daily becoming more practised in every description of trickery.

"The Pleaders under the existing system easily induce people to present petitions, with the one object of enriching themselves at the expense of their duped clients, but a person would pause before he instituted a frivolous or unfounded suit had he to pay for his litigation, at the same time his cause of action would be trifling, indeed if the Stamp Laws deterred him from having recourse to the Courts for his rights.

"The foregoing abstracts shew that 378 suits were on the file of the Native Judges' Court on the 1st January 1840, exhibiting a greater number than were disposed of in 1839, (viz. 363) the file at the close of the current year must inevitably be very heavy, if the Court do not do me the honor of coinciding in my plan to prevent an accumulation of arrears. I beg respectfully to observe, that I have repeatedly spoken to the Native Judges on the above subject. These Officers entertain an opinion similar to my own, some alteration is certainly indispensable; perhaps the Court might see fit to recommend the appointment of a Moonsiff in the neighbourhood of each Thannah, (there are three Thannahs) but this would be attended with much expense, which I conceive the introduction of the Stamp Laws and additional Mohurrers, would render quite unnecessary."

True Copies,

J. HAWKINS, *Register.*

No. 4184.

To F. J. HALLIDAY, Esq.,

Secretary to the Government of Bengal
in the Judicial Department.

Sir,

I am directed by the Court to request that you will lay before the Right Honorable the Governor of Bengal, the accompanying copy of their Resolutions on the Criminal Statements of the Extra Regulation Districts of Hazareebagh, Assam, Arracan, Tenasserim and Cachar for the year 1839.

NIZAMUT ADAWLUT.
Present—
D. C. Smyth, Esq.,
Judge.

I have the honor to be,

Sir,

Your most obedient Servant,

J. HAWKINS, *Register.*

FORT WILLIAM,
The 27th November, 1840.

Hazareebagh.

Major L. Bird was in charge of this District from 1st January to 2d December, when he was relieved by Major Ouseley, who officiated to the end of the year.

Magistrate's Court.

2. At the close of the year 1838 there were two persons under trial in jail; 384 were apprehended, or summoned during the year 1839, making a total of 386. These persons were disposed of, as noted in the margin.*

* Acquitted,		139
Convicted,	202	214
Sent for approval and confirmation,	12	
Committed,		13
Died,		1
Under trial,		19
		386

3. The marginal Statement* shews the number of persons apprehended, acquitted, and convicted in "heinous crimes," as well as in "petty offences." The results are satisfactory.

* Heinous crimes,		98
Apprehended,	255	
Acquitted,	95	
Convicted,	134	
Petty offences,		63
Apprehended,	129	
Acquitted,	44	
Convicted,	80	

4. The number of persons in jail and on bail on the 31st December last, is noted in the margin.* The Court observe that the number does not correspond with that (19) exhibited in the column of remarks as remaining under trial.

* In Jail,		16
On bail,		4
		20

5. There were no persons in confinement, at the close of the year, on requisition of security for good conduct.

* Pending of 1838, ...	2
Preferred in 1839, ...	7
	9
Confirmed, ...	3
Reversed, ...	2
Pending, ...	4
	9

6. The appeals, preferred from the decisions of the Principal Assistant in miscellaneous cases, and the manner in which they were disposed of, are given in the margin.* The Statement calls for no remark.

Manbhoom Magistrate's Court.

7. Lieutenant J. Hannyngton was in charge of this District during the year 1839.

* Acquitted, ...	424
Convicted, ...	425
Committed, ...	49
Transferred, ...	1
Under Trial.	
In jail, ... 9 }	11
On bail, ... 2 }	
	910

8. At the close of the year 1838, there were 69 persons under trial, viz. 45 in jail, and 24 on bail, or personal recognizance; 841 persons were apprehended, or summoned during 1839, making an aggregate of 910. These persons were disposed of as noted in the margin.*

* Heinous crimes, ...	408
Apprehended, ... 320	
Acquitted, ... 236	
Convicted, ... 137	
Petty offences, ...	263
Apprehended, ... 461	
Acquitted, ... 188	
Convicted, ... 288	

9. The Statement in the margin* shews the number of persons apprehended, acquitted, and convicted in "heinous crimes," as well as in "petty offences." The Court do not consider the result to be satisfactory, as respects the heinous crimes.

* In jail, ...	9
On bail, ...	2
	11

10. The number of persons in jail and on bail, at the close of the year, is noted in the margin.*

11. No person was in confinement at the close of the year in default of security for good conduct.

* Pending of 1838, ...	1
Preferred in 1839, ...	1
	2
Confirmed, ...	2

12. The marginal Statement* shews the number of appeals from the decisions of the Assistant and the manner of their disposal. The Statement is satisfactory.

Lohardugga.

13. Mr. J. Davidson was in charge of this District during the past year.

* Acquitted, ...	126
Convicted, ...	308
Committed, ...	13
Died, ...	1
Under Trial.	
In jail, ... 17 }	21
On bail, ... 4 }	
	469

14. At the close of the year 1838, there were two persons under trial in jail;—467 persons were apprehended or summoned during 1839, making a total of 469. These persons were disposed of in the manner noted in the margin.*

* Heinous crimes, ...	128
Apprehended, ... 302	
Convicted, ... 189	
Acquitted, ... 86	
Petty offences, ...	95
Apprehended, ... 165	
Convicted, ... 119	
Acquitted, ... 40	

15. The Statement entered in the margin* shews the number of persons apprehended, convicted, and acquitted, in "heinous crimes," as well as in petty offences." The proportion of convictions to acquittals is very satisfactory.

* In jail, ...	17
On bail, ...	4
	21

16. The number of persons in jail and on bail at the close of the year, is noted in the margin.*

17. Nine persons were in confinement in default of security for good conduct.

18. The number of appeals pending at the close of 1838, and the number preferred from the decisions of the Assistant during 1839, together with the manner of their disposal, are entered in the margin.* The Statement calls for no particular remark.

Pending of 1838, ...		2
Preferred in 1839, ...		10
		12
Confirmed, ...	6	
Reversed, ...	5	
Pending, ...	1	
		12

19. Captain T. Wilkinson exercised the powers of Session Judge within these three Districts from 1st January to 1st March. Mr. J. Davidson from 2d March to 4th April. Major J. R. Ouseley from that date to the close of the year.

Sessions Court.

20. At the close of the year 1838, there were 6 persons under trial, and 76 persons were committed during the year, making a total of 82. These commitments were disposed of in the manner noted in the margin.* The Statement is considered satisfactory. The Court observe, however, that the Statement No. 1 of the Magistrate's, shews an aggregate of 75 persons committed as per margin.† The Governor General's Agent will be requested to explain the discrepancy. They further observe that 25 cases were tried with the aid of Juries; of which 21 were disposed of in accordance with the verdicts of the Jury.

* Convicted, ...	59
Acquitted.....	18
Commitments annulled,	1
Referred to Nizamut Adawlut, ...	3
Under trial, ...	1
	82

† Hazareebagh.	13
Manbhoom, ...	49
Lohurdugga, ...	13
	75

21. Two trials were called for at the English sittings of the Court, or by precept on appeal during the year. The sentence passed by the Agent in one case was not interfered with, and the other was remanded and ordered to be re-submitted with translations of the Proceedings.

22. There was one prisoner under reference to the Nizamut Adawlut at the close of 1838; the number referred in 1839 was 3, and they were disposed of in the manner noted in the margin.*

* Acquitted, ...	1
Convicted, ...	2
Pending, ...	1
	4

23. The following is an abstract of the sentences passed upon the prisoners convicted in these Districts during the year 1839.

By the Nizamut Adawlut.

Imprisonment for 7 years, ...	1
Ditto ditto 10 ditto,.....	1
	2

By the Governor General's Agent.

Imprisonment for 3 years and upwards to 12 years, ...	15
Ditto 2 years and a half, ...	5
Ditto 2 Ditto,.....	26
Ditto 1 Ditto,.....	5
Less than one year,.....	8
	59

By the Principal Assistant, Hazareebagh.

Imprisonment from 6 months to 3 years,	78
Less than 6 months,	76
Fined and Discharged,	55
Dismissed from Service,	5
	214

By the Principal Assistant at Manbhoom.

Imprisonment from 6 months to 4 years,	81
Less than 6 months,	104
Fined and Discharged,	216
Required to furnish security,	6
Dismissed from Service,	18
	425

By the Principal Assistant at Lohurdugga.

Imprisonment from 6 months to 3 years,	169
Less than 6 months,	89
Fined and Discharged,	36
Dismissed from service,	5
Required to furnish security,	9
	308

GENERAL REMARKS.

24. The Court observe a considerable increase of crimes of a heinous nature in the District of Manbhoom, as compared with the preceding year; with this exception, the Returns shew the state of things throughout the jurisdiction of the Agent to be much the same as in the year 1838. In the Appendix will be found a letter from the Principal Assistant at Manbhoom in explanation of the unfavourable state of that district.

25. With reference to the 26th paragraph of the Court's Resolutions on the Statements from the Hazareebagh Districts for the year 1838, the Governor General's Agent, Major Ouseley, has furnished his promised Report* on the state of the Police within his jurisdiction. Major Ouseley recommends a radical change in the system of Police at present in force in the Districts under his control, a measure which, it appears to the Court, can only be determined upon by the Government on a consideration of the information furnished to them. The Court will, therefore, forward a copy of Major Ouseley's Report, with a suggestion that it be sent to Major

* No 2 dated 9th February 1840.

Wilkinson, late Governor General's Agent, who has had great experience in the province, for his observations and remarks; and that, on the receipt of Major Wilkinson's reply, the subject be again considered by the Government, together with other measures, which the Court have reason to believe, are under consideration for the general improvement of the police.

Assam.

1. The Magistracy of Goalparah was in charge of the following Officers during the year 1839, viz.

Captain H. Rutherford from 1st January to the 3d of June.

Lieutenant A. A. Sturt from 4th June to 1st November, and Major A. Davidson from that date to the close of the year.

2. At the close of the year 1838, there were 21 persons under trial, viz. 1 in jail and 20 on bail or personal recognizance; 273 persons were apprehended or summoned during the year 1839, making a total of 294. These persons were disposed of in the manner noted in the margin.*

* Acquitted, ...	109
Convicted, ...	174
Committed, ...	8
Under Trial.	
On bail, ...	3
	294

3. The Statement in the margin* shews the number of persons apprehended, acquitted and convicted, in "heinous crimes," as well as in "petty offences." The results are very satisfactory. Three persons were discharged in consequence of Razeenamehs having been filed, and one from non-attendance of prosecutors.

* Heinous crimes, ...		291
Apprehended, ...	99	
Acquitted, ...	38	
Convicted, ...	55	
Petty offences, ...		91
Apprehended, ...	174	
Acquitted, ...	71	
Convicted, ...	119	

4. Three persons were under examination on bail at the close of the year. This Statement is satisfactory.

5. No persons were in confinement on requisition of security for good conduct at the same period.

6. The number of appeals preferred from the decisions of the Magistrate in Criminal trials, and in miscellaneous cases, and the result thereof, are noted in the margin.* The result is very satisfactory.

* Regular Trials.	
Pending of 1839, ...	1
Preferred in 1839, ...	4
	5
Confirmed, ...	5
Miscellaneous Cases.	
Pending of 1838, ...	2
Preferred in 1839, ...	6
	8
Confirmed, ... 5	
Reversed, ... 3	
	8

7. In regard to the quantity of Criminal business disposed of by the Sudder Ameen the Deputy Commissioner remarks as follows.

"The quantity of Criminal business disposed of by the Sudder Ameen of this Division is very small: only 17 trials, and 48 miscellaneous petitions; however as there is very little Criminal business pending at all, most probably the Officiating Magistrate did not consider it necessary to refer more to the Native Judge."

Kamroop.

8. Captain James Mathie was in charge of this District from the 1st January to the 1st of April, and Captain J. Wemyss from that date to the end of the year.

* Acquitted,		469
Convicted,		316
Committed,		12
Under Trial.		
In jail,	5	52
On bail,	47	
		849

9. At the close of the year 1838, there were 16 persons under examination on bail, and 833 persons were apprehended or summoned during the year, making a total of 849. These persons were disposed of as noted in the margin.*

* Heinous crimes		218
Apprehended,	244	
Acquitted,	97	
Convicted,	116	
Petty offences,		178
Apprehended,	589	
Acquitted,	372	
Convicted,	200	

10. The marginal* statement shows the number of persons apprehended, acquitted and convicted, in "heinous crimes," as well as in "petty offences." The proportion of convictions to acquittals in petty cases is unsatisfactory, and the Court regret to observe, that so little attention has been paid by the Magistrate to this point, although noticed by them in their Reports for the past and preceding years. They observe that 82 persons were discharged in consequence of Razeenamehs having been filed, and 31 from non-attendance of prosecutors.

* In jail,	5
On bail,	47
	52

11. The number of persons in jail and on bail, on the 31st December last, is noted in the margin.*

12. One person was in confinement in default of security for good conduct, at the close of the year.

* Regular Trial.		
Pending of 1838,	3	
Preferred in 1839,	38	
		41
Confirmed,	19	
Reversed,	14	
Pending,	18	
		41
Miscellaneous Cases.		
Pending of 1838	3	
Preferred in 1839,	16	
		19
Confirmed,	12	
Reversed,	3	
Pending,	4	
		19

13. The number of appeals preferred from the decisions of the Magistrate in Criminal trials and miscellaneous cases, and the manner of their disposal, are noted in the margin.* The results are on the whole satisfactory.

14. The Court observe, that the Magistrate derived material assistance in the Criminal Department, from the Sudder Ameen of his District, who disposed of 147 cases. The Deputy Commissioner is requested with reference to his letter No. 34, of the 21st April last, to correct the memorandum endorsed in Statement No. 1 of the Magistrate's office.

Durung.

15. Captain H. Vetch had charge of this District from the 1st January to the 1st March, when Lieutenant C. Scott relieved him, and officiated to the 29th of November, on which date Lieutenant Sturt took charge and continued to the close of the year.

* Acquitted,		130
Convicted,		250
Committed		14
Died,		1
Under Trial.		
In jail,	8	12
On bail,	4	
		407

16. At the close of the year 1838, there were 16 persons under examination, viz. 3 in jail, and 13 on bail or personal recognizance; 391 persons were apprehended or summoned during the year 1839, making a total of 407. These persons were disposed of as noted in the margin.*

17. The statement entered in the margin* shows the number of persons apprehended, acquitted and convicted, in "heinous crimes," as well as in "petty offences." The results are satisfactory, and indicate considerable improvement as compared with the Returns of the preceding year.

* Heinous crimes,		277
Apprehended,	112	
Acquitted,	32	
Convicted,	63	
Petty offences,		110
Apprehended,	279	
Acquitted,	98	
Convicted,	187	

18. The number of persons in jail and on bail, on the 31st December last, is noted in the margin.*

* In jail,	8
On bail,	4
	12

19. No person was in confinement in default of security for good conduct, at the same period.

20. No appeals were preferred from the decisions of the Magistrate during the year, a circumstance very creditable to his judgment.

21. The Sudder Ameen of this District disposed of 35 cases during the year.

22. Lieutenant H. Bigge was in charge of the Magistracy throughout the year.

Nowgong.

23. At the close of the year 1838, there were 5 persons under trial, viz. 1 in jail, and 4 on bail or personal recognisance; 409 persons were apprehended or summoned during the year 1839, making a total of 414. These persons were disposed of as noted in the margin.*

* Acquitted,		105
Convicted,		253
Committed,		32
Died		1
Escaped,		2
Under Trial.		
In jail,	9	21
On bail,	12	
		414

24. The marginal* Statement shows the number of persons apprehended, acquitted and convicted, in "heinous crimes," as well as in "petty offences." The proportion of convictions to acquittals is satisfactory.

* Heinous crimes,		83
Apprehended,	182	
Acquitted,	63	
Convicted,	83	
Petty offences,		105
Apprehended,	227	
Acquitted,	42	
Convicted,	170	

25. The number of persons under examination at the close of the year, is noted in the margin.*

* In jail,	9
On bail,	12
	21

26. Five persons were in confinement in default of security for good conduct, on the 31st December last.

27. The number of appeals preferred from the decisions of the Magistrate, in regular trials and miscellaneous cases, and the results thereof, are noted in the margin.*

* Regular Trials.	
Pending of 1838,	0
Preferred in 1839,	1
Pending,	1
Miscellaneous Cases.	
Pending of 1838,	1
Preferred in 1839,	0
	1
Confirmed,	1

28. The Sudder Ameen of this District, of whom the Magistrate speaks favorably, disposed of 31 cases.

29. Lieutenant T. Brodie had charge of the Magistracy throughout the year.

Seebsagur

30. At the close of the year 1838 there were 32 persons under examination, viz. 8 in jail, and 24 on bail or personal recognisance; 414 persons were apprehend-

* Acquitted,		237
Convicted,		192
Committed.		3
Died,		1
Escaped,		2
Transferred to other jurisdictions,		2
Under Trial.		
In jail,	1	9
On bail,	8	
		446

ed or summoned during the year 1839, making a total of 446. These persons were disposed of as noted in the margin.*

* Heinous crimes,		212
Apprehended,	303	
Acquitted,	170	
Convicted,	144	
Petty offences,		59
Apprehended,	111	
Acquitted,	67	
Convicted,	48	

31. The marginal* Memorandum shows the number of persons apprehended, acquitted and convicted, in "heinous crimes," as well as in "petty offences." The results are by no means satisfactory. The Court observe that the Division of Seebsagur was only brought under the Judicial Superintendance of the Commissioner on the 1st August, and they trust that the next Returns will shew a considerable improvement on the point above noticed.

* In jail,	1
On bail,	8
	9

32. The number of persons under trial on the 31st December last, is noted in the margin.*

33. One person was in confinement on requisition of security for good conduct at the close of the year.

34. There were no appeals from the decisions of the Magistrate during the period under review.

35. The Sudder Ameen of this Division disposed of 46 Criminal cases during the year.

Luckimpore.

36. Captain H. Vetch was in charge of the Magistracy throughout the year. The Division was brought under the Judicial Superintendance of the Commissioner on the 1st August 1839.

* Acquitted,		49
Convicted,		114
Committed.		0
Died.		1
Escaped,		2
Transferred,		4
Under Trial		
In jail,	9	21
On bail,	12	
		191*

37. At the close of the year 1838, there were 11 persons under examination, viz. 6 in jail, and 5 on bail or personal recognisance; 180 persons were apprehended or summoned during the year 1839, making a total of 191. These persons were disposed of as indicated in the margin.*

* This information is taken from the 10th para of the Deputy Commissioner's letter.

* Heinous crimes,		53
Apprehended.	90	
Acquitted,	20	
Convicted,	56	
Petty offences,		50
Apprehended,	90	
Acquitted,	29	
Convicted,	58	

38. The marginal* Statement shows the number of persons apprehended, acquitted and convicted, in "heinous crimes" as well in "petty offences." The results are satisfactory. Eight persons were discharged in consequence of compromises.

39. The Court observe that the Statement No. 1 for Luckimpore is very incorrectly prepared: columns 4 and 5 should shew the number of persons remaining under examination at the close of the preceding year, whereas those columns show the number apprehended during the year 1839: column 7 should exhibit the total of columns 4 to 6, but the Magistrate has inserted in that column the number of prisoners whose cases were pending at the close of the year under review. The Commissioner will be requested to draw the attention of the Magistrate to the subject; and carefully to revise the statements himself before forwarding them to the Court.

40. The number of persons in jail and on bail on the 31st December last, is noted in the margin.*

* In jail,	9
On bail,	12
	21

41. No person was in confinement at the same period, on requisition of security for good conduct.

42. Only one appeal was preferred from the decisions of Captain Vetch during the year, which was confirmed.

43. The Sudder Ameen of this District disposed of 17 cases during the year.

44. At the close of the year 1838, there were 31 persons under trial, 69 persons* were committed during the year, and 4 were sent back from the Nizamut Adawlut, making a total of 104. These persons were disposed of as noted in the margin.†

Commissioner's Court.	
* Goalparah,	8
Kamroop,	12
Durung	14
Nowgong	32
Seebsagur,	3
	69
† Acquitted,	25
Convicted,	53
Referred to Nizamut Adawlut,	10
Under trial,	16
	104

45. The cases of 10 persons were referred to the Nizamut Adawlut during the year, and they were disposed of as noted in the margin.*

* Acquitted,	2
Convicted,	3
Sent back,	4
Died,	1
	10

46. The following is an abstract of the sentences passed upon the prisoners convicted during the year 1839, in the several Districts under the jurisdiction of the Commissioner of Assam.

By the Nizamut Adawlut.

Imprisonment for life, ... 3

By the Commissioner.

Imprisonment from 7 to 14 years,	20
„ for 5 ditto,	12
„ for 4 ditto,	1
„ for 3 ditto,	7
„ for 2 ditto,	8
„ for 1 ditto,	2
Less than one year,	1
Fined and discharged,	2
	53

By the Magistrate of Goalparah and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	54
„ less than 6 months,	14
Fined and discharged,	102
Required to furnish security,	2
Dismissed from service,	2
	174

By the Magistrate of Kamroop and his Assistants.

Imprisonment for 6 months and not exceeding 3 years,	47
Less than 6 months,	70
Fined and discharged,	192
Required to furnish security,	7
	316

By the Magistrate of Durung and his Assistants.

Six months and not exceeding 4 years,	63
Less than 6 months,	17
Fined and discharged,	163
Required to furnish security,	7
	250

By the Magistrate of Nowgong and his Assistants.

Six months and not exceeding 2 years,	55
Less than 6 months,	33
Fined and discharged,	153
Required to furnish security,	11
Dismissed from service,	1
	253

By the Magistrate of Seebsagur and his Assistants.

Six months, and not exceeding 3 years,	43
Less than 6 months,	65
Fined and discharged,	82
Required to furnish security,	1
Dismissed from service,	1
	192

By the Magistrate of Luckimpore and his Assistants.

Six months, and not exceeding 3 years,	19
Less than 6 months,	39
Fined and discharged,	51
	109*

* Leaving five Prisoners unaccounted for.

GENERAL REMARKS.

47. The Statements were submitted by Captain Matthie, the Deputy Commissioner, with his letter dated 20th April, which is a very creditable report; and enters fully into the state of business in the several Districts, comprising his jurisdiction.

48. The observations of Captain Matthie from the 112 to 126 paragraphs of his Report, on the extent of crime in the Districts of Assam, do not appear to the Court to call for any lengthened remarks from them. The Court are satisfied that the local authorities will use every exertion to effect the diminution of crime, which however does not appear to exist to any marked extent in the Assam Provinces.

49. The Court observe that the Deputy Commissioner should submit a separate Report on the subject alluded to in his 128th paragraph, should there be any absolute necessity for the erection of new jails in the several Districts of Assam.

50. The following observations extracted from the Deputy Commissioner's Report, on the official character of the Officers in Assam, are very creditable to them.

"The Officiating Magistrate of Goalparah has reported, that he has been well satisfied with the exertions of his Sub-Assistant, Mr. J. Strong, and his Sudder Ameen, Baboo Goree Pursaud."

"The Officiating Magistrate of Kamroop reports very favorably of the conduct generally, and assistance he has received from his Sub-Assistant, Mr. C. K. Hudson, and his Sudder Ameen, Roy Deobur Bur Doloye. I have great pleasure in bearing testimony to the unrelaxed attention of these Officers to their duty."

"The present Officiating Magistrate of Durung, Lieutenant A. A. Sturt, begs to be excused reporting on the qualifications of his Assistant Mr. C. Roche, and his Sudder Ameen Baboo Chunder Sein, and the Police Officers, having been so very short a period in charge of the Division, only since the 29th of November. I can however report with confidence, that the conduct of both the former was considered very satisfactory by Lieutenant Charles Scott, who was Officiating Magistrate the greater part of the year."

"The Officiating Magistrate of Nowgong reports in very favorable terms on the conduct of his Sub-Assistant, Mr. E. Grange, and his Sudder Ameen, Baboo Som Dutt. I am well acquainted with both, and can bear testimony to their desire to give the utmost satisfaction."

"The Officiating Magistrate of Seebsagur has been, I believe, well satisfied with the conduct of his Sub-Assistant, Mr. C. Strong, and his Sudder Ameen, Baboo Radanath Bor Booroowa."

"I believe Captain Vetch has been perfectly satisfied with the conduct of his Sub-Assistant, Mr. H. Driver, and Sudder Ameen, Baboo Bryjanath Bundarree Booroowa."

"The mutations which have occurred during the year under report amongst the Officers in charge of Divisions, particularly in Goalparah and Durung, have been numerous, but from unavoidable circumstances. I allude to this subject because I feel confident, that frequent change amongst the Magistrates is extremely prejudicial to the state of the Police, and criminal administration generally.

"From the three Officers who have successively had charge of Goalparah, I have received the utmost support in disposing of the criminal and other duties; all orders transmitted from the Court have been promptly and efficiently carried into execution, and on all occasions a desire has been evinced to cheerfully co-operate with me in expediting the transaction of the public business. There is scarcely any arrears at the close of the year at Goalparah. I sanguinely trust I shall be able to make a similar favorable report, when submitting the current year's Statements in January next, on the proceedings of the present Officiating Magistrate of Kamroop, who has only had charge of a Division since April last. After he has had a little more experience in conducting Judicial business, I hope he will be induced to appreciate advice from superior Officers, and give due weight and speedy effect to instructions furnished to him from this Court. From the Officers who have

successively had charge of Durung, and the present Officiating Magistrates of Nowgong, Seebsagur, and Luckimpore, I have on all occasions received the utmost support, by a prompt attention to all orders of this, and a manifest desire to conduct the public business of their own Courts, with precision and satisfaction to all parties."

"It now only remains for me to assure the Sudder Nizamut Adawlut, that upon the whole, very little criminal business of any kind was pending at the end of the year, and that if any fault should be observable in the administration of Criminal justice, it must be attributed to a want of experience rather than any neglect."

51. The Court are perfectly satisfied with the manner in which the Sessions and other Criminal duties of his office have been performed by Captain Matthie.

Arracan.

1. At the close of the year 1838, there were 41 persons under examination, viz. 3 in jail, and 38 on bail or personal recognizance; 1359 persons were summoned or apprehended during 1839, making a total of 1400. These persons were disposed of in the manner noted in the margin.*

Akyab Magistrate's Court.	
Lieutenant Phayre.	
* Acquitted, ...	982
Convicted, ...	382
Committed, ...	16
Under Trial.	
On bail, ...	20
	1400

2. The statement in the margin* shows the number of persons apprehended, acquitted, and convicted, in "heinous crimes," as well as in "petty offences." The number of acquittals appear to the Court to be very large in proportion to the number of convictions. The following are the remarks of the Commissioner on the subject.

* Heinous crimes,.....		74
Apprehended, ...	149	
Acquitted, ...	82	
Convicted, ...	62	
Petty offences,.....		517
Apprehended,.....	1210	
Acquitted, ...	900	
Convicted, ...	314	

"Of miscellaneous cases I regret to say the number in the Akyab District is very great, but they are for the most part, of a very trivial nature. For instance no less than 226 are assaults, 80 are elopement affairs, 66 demands for money and property, and 85 disobedience of orders chiefly, breach of conservancy regulations, which, in a crowded seaport, and amongst a filthy people, require to be strictly enforced; 8 are cases of adultery and 13 of Budmashim."

"Of the number of persons acquitted and discharged, 412 are so by compromise, and 27 on default of attendance of prosecutors, which, together with the Abstracts A, B and C, clearly indicates the proneness of the people to fly to the Courts on the most trifling occasions, and the unimportant nature even of those cases in which the offenders have been punished."

3. Twenty persons were under trial on bail on the 31st December last.

4. Sixteen persons were in confinement in default of security for good conduct at the same period.

* Regular Trials.		
Pending of 1838, ...	6	
Preferred in 1839, ...	8	
		14
Confirmed, ...	11	
Reversed,.....	1	
Pending, ...	2	
		14
Miscellaneous Cases.		
Pending of 1838,.....	28	
Preferred in 1839, ...	14	
		42
Confirmed, ...	17	
Reversed, ...	4	
Pending, ...	21	
		42

5. The number of appeals preferred from the orders of the Principal Assistant in regular trials and miscellaneous cases, and the result, are noted in the margin.* The results are satisfactory.

6. The following remarks of the Commissioner are very creditable to Lieutenant Phayre and his Assistant, Lieutenant Abbott.

"Notwithstanding the enormous number of cases filed and persons apprehended, it is most creditable to Lieutenant Phayre, that no one remained in jail under trial at the close of the year, and only 20 persons on bail, and whether I consider the state of crime in the Akyab District or the state of business, I cannot but regard both as very satisfactory, all things being duly considered; and certainly much praise is due both to the Magistrate Lieutenant Phayre, and his Assistant, Lieutenant Abbott, for their zeal and industry."

Sessions Court.	
* Acquitted, ...	5
Convicted, ...	2
Referred to Nizamut Adawlut,.....	9
Commitments annulled,	1
Under trial,.....	3
	20

7. The cases of four (4) prisoners were pending at the close of 1838, and 16 were committed during 1839, they were disposed of as noted in the margin.*

Ramree Magistrate's Court. Mr. Williams.	
* Acquitted, ...	157
Convicted, ...	65
Committed, ...	8
Died,.....	1
Under trial,.....	10
	241

8. At the close of the year 1838, there were 7 persons under examination, and 234 were summoned or apprehended during 1839, making a total of 241. These persons were disposed of as noted in the margin.*

* Heinous crimes,.....		51
Apprehended,.....	68	
Acquitted, ...	55	
Convicted, ...	10	
Petty offences, ...		138
Apprehended,.....	166	
Acquitted, ...	102	
Convicted, ...	55	

9. The marginal* statement shows the number of persons apprehended, acquitted and convicted, in "heinous crimes," as well as in "petty offences." The results are far from satisfactory.

10. One person was in confinement in default of security for good conduct at the close of the year.

* Regular Trials.		
Pending of 1838.....	3	
Preferred in 1839, ...	4	
		7
Confirmed, ...	4	
Reversed.....	2	
Pending, ...	1	
		7
Miscellaneous Cases.		
Preferred, ...		2
Confirmed, ...	1	
Pending, ...	1	
		2

11. The statement in the margin* exhibits the number of appeals preferred from the orders of the Assistant in regular trials and miscellaneous cases, as well as the manner in which they were disposed of. The statement calls for no particular remark.

Sessions Court.

12. Eight persons were committed to the Sessions Court, all of whom were under trial at the close of the year under review.

13. At the close of 1838, one person was under examination, 262 persons were apprehended or summoned during the year 1839, making a total of 263. These persons were disposed of as noted in the margin.*

Sandoway Magistrate's Court. Mr. Thornton.

* Acquitted,	171
Convicted,	82
Committed,	9
Under trial,	1
	263

14. The marginal* Statement shows the number of persons apprehended, acquitted, and convicted in "heinous crimes," as well as in "petty offences." The results are not altogether satisfactory.

* Heinous crimes,		33
Apprehended,	78	
Acquitted,	36	
Convicted	34	
Petty offences,		75
Apprehended,	184	
Acquitted,	135	
Convicted,	48	

15. There were no persons in confinement in default of security for good conduct.

16. The number of appeals from the Principal Assistant's orders in regular trials and miscellaneous cases, and the mode in which they were disposed of, are shown in the margin.*

* Regular Trials.	
Pending of 1838,	1
Preferred in 1839,	3
	4
Confirmed,	1
Pending,	3
	4
Miscellaneous Cases.	
Preferred and pending,	3

17. The cases of the whole of the persons committed for trial were pending at the close of the year.

Sessions Court.

18. At the close of the year 1838, there were 2 persons under trial; 191 were apprehended or summoned during the year 1839, making a total of 193. These persons were disposed of in the manner noted in the margin.*

Acting. Lieutenant Lumsden.

* Acquitted,	59
Convicted,	132
Committed,	1
Under trial,	1
	193

19. The statement in the margin* shows the number of persons apprehended, convicted and acquitted in "heinous crimes," as well as in "petty offences." The results are satisfactory.

* Heinous crimes,		32
Apprehended,	39	
Acquitted,	14	
Convicted,	24	
Petty offences,		82
Apprehended,	152	
Acquitted,	45	
Convicted,	108	

20. There were no persons in confinement in default of security for good conduct on the 31st December last.

21. Five appeals were preferred from the orders of the Assistant in regular trials and disposed of as noted in the margin.*

* Confirmed,	3
Reversed,	1
Pending,	1
	5

22. The prisoner who was committed for trial to the Commissioner's Court, was convicted and sentenced to imprisonment for three years.

Sessions Court.

23. The cases of 15 prisoners were referred to the Nizamut Adawlut; viz. 6 in 1838, and 9 in 1839, and were disposed of as noted in the margin.*

* Acquitted,	3
Sent back,	1
Escaped,	1
Pending,	10
	15

GENERAL REMARKS.

24. The Statements are generally satisfactory. The Court observe, however, that while the number of acquittals far exceeds the number of convictions in the

Districts of Akyab, Ramree, and Sandoway, the contrary is the case in the District of Aeng. The attention of the Commissioner and his Assistants should be directed to this subject, with a view to prevent, as far as possible, the unnecessary apprehension of parties charged with criminal offences.

TENASSERIM PROVINCES.

Amherst.

1. Major Williams and Mr. J. de la Condamine were successively in charge of the Magistracy of this Province during the year 1839.

* Acquitted,	302
Convicted,	1141
Committed,	22
Under Trial.	
In jail,	6
	1474

2. There were six persons under examination at the close of the year 1838—1468 persons were apprehended or summoned during the year 1839, making a total of 1474. These persons were disposed of in the manner noted in the margin.*

* Heinous crimes,		232
Apprehended,	142	
Acquitted,	21	
Convicted,	115	
Petty offences,		917
Apprehended,	1326	
Acquitted,	281	
Convicted,	1029	

3. The marginal* Statement shows the number of persons apprehended, acquitted and convicted in heinous crimes as well as in petty offences. The proportion of convictions to acquittals is very satisfactory. The following extract from the Commissioner's Report of the 26th February last, accounts for the increase in the number of petty offences.

"On a comparison with the year 1838, it will be found that while no increase has taken place in the sum of heinous offences, the number of petty offences is considerably greater. This results from the great increase during the year of Natives of India of all descriptions, but especially of Military followers, most of whom appear to be men picked up in the Town of Madras without selection and sent over in Government pay to act as Dhoolie Bearers, Cart and Bullock Drivers, &c. &c. Besides these, the native vessels that cross the Bay, are generally filled with Coolies in search of work, and occasionally with prostitutes, the whole being a class of people much addicted to liquor and to a disorderly, immoral life."

4. There were six persons under examination in jail on the 31st December last.

5. The following is an abstract of the sentences passed by the Assistant Commissioner and the Native Judicial Officers in 1839, in the Province of Amherst:

Imprisonment for 2 years,	5
" 1 year and upwards,	17
" 6 months and ditto,	31
Less than 6 months,	354
Fined and discharged,	709
Required to furnish security,	28
	1144

6. Mr. Corbin was in charge of this Province throughout the past year.

Province of Mergui.

7. At the close of the year 1838 there were no persons under trial—161 persons were apprehended or summoned during the year 1839, and they were disposed of as noted in the margin.*

* Acquitted,	26
Convicted,	129
Committed,	6
	161

8. The Statement in the margin* shows the number of persons apprehended, acquitted and convicted in heinous crimes as well as in petty offences. The results are satisfactory.

* Heinous crimes,	38
Apprehended,	54
Acquitted,	18
Convicted,	35
Petty offences,	70
Apprehended,	107
Acquitted,	8
Convicted,	94

9. The following is an abstract of the sentences passed by the Assistant Commissioner and the Native Judicial Officers in 1839, in the Province of Mergui:

Imprisonment for 6 months and not exceeding 2 years,	16
Less than 6 months,	40
Fined and discharged,	73
	129

10. Captain H. McFarquhar conducted the duties of the Magistrate's Office during 1839.

Province of Tavoy.

11. There were no persons under trial at the close of 1838—132 persons were apprehended or summoned during 1839, and disposed of as noted in the margin.*

* Acquitted,	24
Convicted,	106
Committed,	2
	132

12. The marginal* Statement shows the number of persons apprehended, acquitted and convicted in heinous crimes as well as in petty offences. The results are satisfactory.

* Heinous crimes,		67
Apprehended,	23	
Acquitted,	4	
Convicted,	18	
Petty offences,		72
Apprehended,	109	
Acquitted,	20	
Convicted,	88	

13. The following is an abstract of the sentences passed by the Assistant Commissioner and the Native Judicial Officers since 1839:

6 months and not exceeding 2 years,	7
Less than 6 months,	21
Fined and discharged,	65
Required to furnish security,	13
	106

14. There were 8 prisoners under trial at the close of 1838, and 27 persons were committed during 1839, making a total of 35. They were disposed of as noted in the margin.* The Court observe that the number of commitments above given has been taken from the Commissioner's Statement No. 12, which however does not

Sessions Courts.

* Acquitted,	2
Convicted,	23
Referred to Nizamut Adawlut,	2
Under trial,	6
	33
Unaccounted for,	2
	35

* Committed from Amherst,	22
Mergui,	6
Tavoy,	2
Total,	30
Difference,	3

correspond with the totals of the Magistrate's Returns, as shewn by the marginal* Statement. The Commissioner will be requested to submit a corrected Return.

15. No cases were called for on revision of the Jail Delivery Statements during the past year.

16. The following is an abstract of the sentences passed by the Commissioner during the year.

Imprisonment from 7 to 12 years,	6
" from 3 to 6 ditto,	8
" 2 and less,	7
Fined,	2
	23

17. Two prisoners were referred to the Nizamut Adawlut during the year. They were convicted by the Court, and sentenced to suffer death.

18. The Statements do not appear to call for any further remarks. The administration of Criminal Justice in the Tenasserim Provinces, is considered by the Court to be in a very efficient state under the able supervision of the Commissioner Mr. Blundell.

Cachar.

The Court, having had before them the Annual Criminal Statement No. 1 from Zillah Cachar for the year 1839, record the following observations and orders:

1. Captain J. G. Burnes was Superintendent of the District from the beginning of the year to the 15th June, when he made over charge to Lieutenant E R. Lyons, who officiated in that capacity from that date, and on the resignation of Captain Burnes, was confirmed in the appointment on the 8th August.

* Acquitted,	349
Convicted,	133
Committed,	26
Transferred to other jurisdictions,	1*
Under trial.	
In jail,	3
On bail,	11
	14
	522

* This prisoner is erroneously included among those under trial.

2. At the close of the year 1838, there were 15 persons under examination, viz. 1 in jail and 14 on bail or personal recognizance, and 507 persons were apprehended or summoned during the year 1839, making a total of 522. These persons were disposed of in the manner shown in the marginal* Statement.

* Heinous crimes,	30
Apprehended,	71
Acquitted,	38
Convicted,	17
Petty offences,	164
Apprehended,	434
Acquitted,	311
Convicted,	116

3. The Statement in the margin* shows the number of persons apprehended, acquitted, and convicted in "heinous crimes as well as in petty offences." About one-third of the number acquitted were released by compromises or the non-attendance of prosecutors. The proportion of persons convicted to those acquitted, is great. It could not probably be otherwise in a tract of country so recently brought

under regular laws. But the Superintendent will be requested to direct his attention to the subject, and to take measures to prevent the unnecessary apprehension or summons of accused persons.

4. Fourteen persons were under examination, viz. three in jail and eleven on bail.

5. Of the 26 persons committed during the year, 9 were tried before the Commissioner of the 15th Division for affray attended with wounding. Of the other prisoners under commitment, 7 are included in Statements submitted in 1840, by the Session Judge of Sylhet, to whom the duty of revising the proceedings of the Superintendent was transferred under the orders of Government No. 1626, dated 3d October, 1839. But no information has been received regarding the remaining prisoners. The Superintendent will be requested to submit annually Statement No. 12, showing the number of persons, committed, tried, and under trial, including one from the year under review.

6. The following is an abstract of the sentences passed by the Superintendent and the Commissioner during the year.

By the Superintendent.

Imprisonment for six months and not exceeding three years,	17
Less than six months,.....	6
Fined,.....	109
Required to furnish security,.....	1

By the Commissioner.

Imprisonment from one to three years,.....	9
	142

GENERAL REMARKS.

7. The power of revising the orders of the Superintendent of Cachar, and of trying commitments made by him in his capacity of Magistrate, was entrusted to the Commissioner of the 15th Division, under the orders of Government No. 2204, dated the 24th November 1835, and, as already noticed, transferred to the Session Judge of Sylhet towards the close of the last year. With reference to the delay which appears to have occurred in the disposal of serious cases, the Court will direct the Superintendent in future to commit to the Session Judge of Sylhet, for trial before him, all persons charged with offences which may require a higher punishment than three years. Should the Session Judge or the Superintendent be aware of any objection to this arrangement being carried into immediate effect, those Officers will submit reports on the subject for the consideration and orders of the Court.

8. No Resolutions have hitherto been recorded on the Criminal Statements from Cachar, as the Court have not been in possession of sufficient information regarding the administration of Criminal justice in the district. But they are of opinion, that the Statements submitted by the authorities in the other Regulation Districts, should be required from Cachar also, and be forwarded to the Court by the Session Judge of Sylhet, with an Annual Report on the state of the district. The necessary instructions will be issued separately.

(True Copy,) J. HAWKINS, *Register.*

APPENDIX TO THE HAZAREEBAGH RESOLUTION.

No. 205.

To J. HAWKINS, Esq.

Register to the Court of Nizamut Adawlut,

FORT WILLIAM.

Sir,

With reference to the remarks of the Nizamut Adawlut in their Resolution dated 18th September 1840, (No. 3364) in respect to the Manbhoom Division of the Governor General's Agency South West Frontier, I have the honor to transmit for the consideration of the Court, extracts from my Report to the Governor General's Agent, on the Criminal Returns and state of the Police in this Division for the year (1839) under remark.

2. From the figured results, and comments given in the Report, the Court will perceive that I am not in any way anxious to evade the unfavorable inferences deducible from the Returns. But let these results be taken in connexion with the general remarks following them, and I think the Magistrate will not be blamed for the prevalence of crime among a barbarous people, or for the defects of a peculiar system of Police.

3. The ratio of convictions to acquittals is not considered satisfactory. This test certainly shows that many persons legally guiltless, and many in fact innocent, have been put to inconvenience—and thus far it is a subject for regret. As a test of Police, or Magisterial efficiency, it appears to me inadequate, and to be hedged with difficulties on both sides. Nothing is easier than to remove the apparent blot from the Returns. An order to the Police Officers to send in none but prisoners against whom full proof is obtained, will suffice—the Returns will then show all fair. But they will not show the power which such an order gives to the Daroga or to the Zemindar—a power which makes *him* the Magistrate—a power exercisable with little or no risk, and profitable too. The converse argument is, that if the innocent and guilty once apprehended, be alike sent in to the Magistrate, innocent

people will suffer wrong. True—but not to the same extent mischievous—the innocent man can complain if he be unfairly dealt with—and this is no small check. In the beginning of this year I ordered the Police Officers to send in such prisoners only as were likely to be proved guilty—the consequent improvement in the appearance of the Returns was immediate and great. As I have shown—I doubt its value—it glitters but is not gold. I will barely allude to the supposition that the unfavorable judgment of the Court on a failure of convictions, might lead to unfavorable judgments against prisoners. The probability is small—but in such a matter, no probability can be safely rejected. These remarks are made with the utmost deference to the opinion of the Court.

4. The marginal* Statement exhibits the number of crimes committed in this Division during five years. The Court have remarked that there is a considerable increase of heinous crimes in 1839. This is correct as regards highway robberies (the total of which is however small) and burglaries. The increase is considerable, and the energy of the Police has not kept pace with it. The increase may be attributed to a scarcity of grain, which existed during the year, as the decrease remarked on by the Court in 1838 (vide your letter No. 1751 dated 12th July 1839) was attributed to a plentiful season. It is not easy to account satisfactorily for these fluctuations of crime. The year 1836-37 was one of unexampled drought, yet the reported burglaries and thefts did not exceed the average of ordinary years. Other causes must also have influence, and they will probably be traced to the Police, when a better system shall have afforded the means of comparing the past and future. I need hardly assure the Court that to the extent of my ability, I am actively employed, or that I am anxious to effect good, or willing to exert myself to meet the wishes of the Court.

Years	Murder.	Decoities.	Highway Robbery	Burglary.	Theft.	Other heinous crimes	Miscellaneous.
1835	8	8	1	216	140	15	164
1836	8	1	4	194	109	14	272
1837	10	3	1	124	127	18	328
1838	13	3	4	122	174	16	308
1839	12	1	8	225	145	17	263

5. I take this occasion to express my sense of the favorable notice taken by the Court of my explanations respecting the Returns for 1838 (vide your letter No. 148* dated 15th May 1840) as Lord Auckland has been pleased to record his regret that there should have been cause for the disapprobation of the Court as expressed in their remarks for 1838 and as those for 1839 are also unfavorable, I would respectfully solicit that if the Court think proper, some notice be taken of my explanations in the Appendix to the forthcoming Report for 1839.

* Or 1481.

I have, &c.

(Signed) J. HANNYNGTON, *Captain,*
Principal Assistant Governor General's Agent.

MANBHOOM DIVISION,
PRINCIPAL AGENT'S OFFICE, PURULIA
The 26th September, 1840.

Extracts from a Report on the Police of the Manbhoom Division for the year 1839, *submitted to the Governor Geueral's Agent South West Frontier, dated 7th May,* 1840.

Para. 5. 1st The number of crimes ascertained to have been committed during the year, has as heretofore been taken from the daily Reports, and the Form No. 4, transmitted by the Police Officers agreeably to Regulation XX. of 1817. The list thus obtained is checked by comparing it with the list of cases actually tried by the Magistrate. Such check is necessary because it frequently happens that persons charged by the Police with one description of crime, are convicted of some other description of crime, and this latter is what should appear in the Returns. It does not seem probable that the higher grades of Police Officers conceal crimes of which they receive information, but it frequently happens that the Chowkidars conceal, and sometimes that they compromise crimes, and the impression on the minds of intelligent natives whom I have questioned on the subject is, that since the promulgation of Regulation II. of 1832, a very large proportion of cases are concealed by the parties robbed. The natives are generally satisfied with this Regulation, and as so much diversity of opinion exists regarding it, I cannot here refrain from expressing my conviction, that the Regulation is good, and based on the soundest principles. From the above remarks it follows that the list of crimes committed is below truth in respect to burglaries and thefts. In other cases it is a trustworthy record, and upon the whole I consider it a tolerably faithful representation of the state of things.

2d. Of the number of persons apprehended without just cause; none, so far as I can ascertain have been apprehended without a sworn complaint; that is to say, the *case* has been sworn to—the *person* in most instances has been taken in consequence of his being named by some other accused party, or of some real or feigned suspicion attached to him by the Chowkidars. I have not at present data for a statement wherein the distinction of swearing to the person and swearing to the case merely, should be accurately noted—nor do I see how the apprehending of persons without swearing to their persons can be prevented, unless by requiring the Chowkidars to swear against those whom they suspect, and prohibiting the apprehension of persons named by their accomplices, to whom an oath cannot with propriety be administered. The distinction itself appears to me, of little practical value, if it be not joined to restrictive orders.

3d. The proportion between convictions and acquittals for the year 1839 is $\frac{425}{424}$, almost an equality. Taking into consideration the committals to the Sessions, the general result of the Criminal administration for the year will appear thus—

				Per centage.	
Acquitted	424		=	47.217	
Convicted	425	474	=	47.328	52.783
Committed	49		=	5.455	
Total.....	898			100.000	

This is not favorable, but its close agreement with the average result for the five years from 1835 to 1839, is quite remarkable. For those five years we have—

			Per centage.	
Acquitted	2225		= 47.543	
Convicted	2292	2455	= 48.974	52.457
Committed	163		= 3.483	
Total.....	4680		100.000	

which shows that, however, the system may work, it is tolerably uniform. I am sorry to say it is uniformly unsatisfactory. The Report of the Nizamut Court for 1838 shows—

Acquitted	17,963	= 32.380	
Convicted	34,185	= 61.622	67.620*
Committed	3,327	= 5.998	
	55,475	= 100.000	

* The average for 5 years in Belgium and France, as given by Mr. Quetelet, is—
Belgium, ... 82,100
France,.. 61,400

whence it appears that the Returns of this District give results much below the general average of the Lower Provinces. To enable me to form a correct opinion on this point, I applied to the Magistrates of the neighbouring Zillahs Beerbhoom and Bancoora, for the Returns of some years. These were kindly furnished, and they give the following comparative percentage table:

	Manbhoon. 5 *Years.*	*Bancoora.* 4 *Years.*	*Beerbhoom.* 5 *Years.*
Acquitted	47.543	37.406	30.708
Convicted	48.974	59.518	66.398
Committed	3.483	3.076	2.894
	100.000	100.000	100.000

also by comparing the amount of crime, it appears that of all crimes committed, the per centage is—

	Manbhoom.	*Bancoora.*	*Beerbhoom.*
Heinous, ...	55.291	44.064	33.673
Miscellaneous, ...	44.709	55.936	66.329
	100.000	100.000	100.000

while for the Lower Provinces in 1838, it is—

Heinous, ...	39.430
Miscellaneous, ...	60.570
	100.000

whence it is evident that in Manbhoom there is a lamentable preponderance of heinous crime.

In connexion with this it is necessary to consider in what degree the ratio of punishment follows that of crime.

Now for the same periods (leaving out committals, for which I have not sufficient data) the per centage of persons convicted is—

	Manbhoom.	*Bancoora.*	*Beerbhoom.*
For Heinous Crimes,.....	37.784	19.227	17.123
„ Miscellaneous Ditto, ...	62.216	80.773	82.577
	100.000	100.000	100.000

and in the Lower Provinces for 1838, it is—

For Heinous Crimes,.....	19.079
„ Miscellaneous Ditto, ...	80.921
	100.000

while as to the severity of punishment we obtain the following percentage:

Imprisoned for.	*Manbhoom.*	*Bancoora.*	*Beerbhoom.*	*Lower Provinces.*
2 years and upwards, ...	*16.972	0.976	2.454	4.780
1 year and ditto, ...	7.548	4.879	2.638	4.449
Above 6 months, ...	7.680	4.301	3.808	7.661
Less than 6 months,.....	22.600	26.238	31.551	31.195
Fined, discharged, &c., ...	25.200	63.606	59.549	51.865
	100.000	100.000	100.000	100.000

* This includes the extraordinary powers of the Assistant, up to 7 years. However the total of this being only 1 047, does not much effect the result.

From all of which I consider it fairly demonstrated that the *judicial* part of the Assistant's duties in this Division is not slackly performed. In fact the administration appears too severe, and this subject merits the most attentive consideration.

Police Officers.

* Acquitted,.....	28
Convicted, ...	112
	140

" The number of Police Officers who have been punished during the year 1839 is very large, being 112,* or $\frac{112}{425}$, above one-fourth of all the persons punished. The offenders have been chiefly Village Chowkidars, the very class on whom the efficiency of the Police depends. I consider the rural Police of this District to be in a most deplorable state—and it is much to be desired that some effective measures should be taken for its improvements."

" I beg to say that persons charged with bailable offences, are always admitted to bail, *when they desire it.* The poorer and more numerous class of prisoners generally prefer to remain in jail, for the sake of subsistence allowance, which would not be granted to them however long they might be detained on bail."

General Remarks.

Para. 6. " The Police of this District was first brought under legal control by the enactment of Regulation XVIII. of 1805, and though that Regulation is technically placed in abeyance by Regulation XIII. of 1833, it is still virtually in force.

1st. The several Pergunas noted in the margin,* comprising (with exception to Senpaharee, Shergurh and Bishenpore) the whole of those transferred by Section 3, Regulation XVIII. of 1805 from the Zillahs of Beerbhoom and Midnapore to Zillah Jungle Mehals, are now included in this Division, forming an area of 6,500 square miles, with a population of about 800,000. There are in all 15 Zemindars and 8 Darogas of Thanas subordinate to them, making a total of 23 stations, from which reports are received, and these reports average about 15,000 yearly.

*1. Pachet.
2. Bagmoondee.
3 Bygaucooder.
4 Jaraf Bellapore.
5. Katras.
6. Hials.
7. Jhalda.
8. Jherria.
9. Jaypore.
10. Mokundpore.
11 Nawagarh.
12. Joraug.
13 Joondee.
14. Pateoone.
15. Nagarkiare.
16 Chatna
17. Barahbhoom.
18. Manbhoom.
19. Soopore.
20. Amainagar.
21. Simlapal.
22. Bhelaidiha.
23 Shamsoonderpore.
24. Foolkoorma.
25 Raipore.
26. Ghatsila.

2d. The Zemindars are entrusted with the Police, and receive sunuds from the Magistrate under the authority of the Governor General in Council, and they cannot be deprived of their sunuds except for misconduct proved to the satisfaction of the same authority. They are bound to maintain a proper number of Pykes or other watchmen for the maintenance of the Police, and to furnish lists of the persons so employed, with a statement of the allowance in land or money received by them respectively, and on the death or removal of any person specified in the list, the Zemindar is empowered to fill up the vacancy, reporting the same to the Magistrate. These Pykes or watchmen are subject to the orders of the Magistrate, and are punishable for misconduct under the regulations in force.

3d. In Zemindarees where Police-Darogas are appointed, the inferior Police Officers are also subject to the orders of the Daroga; and the Zemindar is required to aid the Daroga in all cases.

4th. The Zemindars are authorized and required to apprehend all Chooars or other plunderers, and without a written charge, all persons found committnig any heinous crime, or having stolen goods in possession, or against whom a hue and cry has been raised, or any notorious robber, thieves or vagrants of suspected character.

5th. The Zemindars are under written engagements, responsible for the amount of all property stolen through want of vigilance in themselves or their Officers.

6th. The actual working of the system here sketched out, is stated in the preamble of the Regulation* above quoted to have been successful. It is quite possible it may have been so—not as in these peaceful times we understand the success of Police arrangements, but as in times of anarchy, when the bare suppression of rebellion is success.

* XVIII. of 1805.

7th. The Deegropree or Ghatwallee* Police (as it may be termed), is a system having its origin in, and applicable only to a low and unsettled state of society. The Zemindars were unable to defend their estates, and were often obliged to yield a part rather than lose the whole—when any powerful disturber arose, if he could not be put down by force, he was offered a grant of land on condition that he should thereafter make common cause with the Zemindar, and assist in keeping the peace. So the marauder became a Police Officer. That this is a true account appears from the fact of tenures called "Sookh mendee," being still in existence and still acknowledged, and also from the assertion of the Deegwars, that their tenures are hereditary, and subject only to a quit rent.

* Pykes, &c.

8th. To expect from this class of persons an efficient performance of Police duties, is on the face of it absurd. If they cultivate their lands, that sufficiently occupies their time. If they do not, their time is still occupied in disputes with their tenants, or with parties encroaching on their lands. These encroachers are now a legion, and foremost is the Zemindar. Self interest formerly led him to respect the rights of the Deegwars. Self interest now prompts him to recover that which was never willingly given. Here then master and servant are at war, the house is divided against itself and cannot stand. Besides this, Brahmins, Mahajans and others have obtained surreptitious tenures of land from the Deegwars, and the issue of the whole is, that the Deegwars, Jageerdars, Ghatwals, "et hoc genus omne," are so engaged in their own affairs, that they are unable to attend to their Police duties. The records of this Court will attest that if due attention were given to the complaints of the Deegwars and their followers, the time of the Magistrate would be devoted solely to them. It follows that the Deegwaree system so far from being an aid, is wholly detrimental—and it is further worthy of remark that inefficient as it now is, it is daily becoming more so—the original allotments of land, and establishments of men having gradually diminished until now perhaps barely one-half remains, indeed it is extremely probable that in the course of a few years, they will be entirely alienated.

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9th. In addition to the Deegwaree Police there are the Village Chowkidars. These men are of the lowest class, and are wretchedly poor and ill-paid. It is certain that no robbery occurs without coming to their knowledge, nor it is but too probable, without their connivance—while in some instances they are the actual perpetrators—more need not be said respecting them.

10th. In some Zemindarees there are Darogas whose powers and duties are the same as those of their fellows in the Regulation Provinces. In character they are also similar, but perhaps on the whole they are less efficient, because they hold with the Zemindar a divided authority, and are as often thwarted as aided by him—not long ago I asked one of the Darogas why so few cases were sent in from his Thana —and the reply was that he only got legal information of such cases as the Zemindar was pleased to allow the Chowkidars to report. I believe this answer is not much exaggerated, and I have known the reports of the Zemindar and the Daroga on the same case, to differ most materially. Yet under these disadvantages the Darogas are more efficient than the Zemindars.

11th. It is obvious that with the powers described (2 to 5) an active and intelligent Zemindar might furnish most useful aid to the Magistrate—but it is equally plain that if a Zemindar be incompetent or unwilling to give such aid, the Magistrate has no effectual remedy. The extreme penalties of imprisonment and deprivation of sunud, are only applicable to extreme cases. Punishment by fine has no beneficial effect, on the contrary it irritates and does harm—apart from which the Zemindars are generally so poor that its infliction would be injudicious. Another circumstance affecting the efficiency of the Zemindars is the smallness of the establishments kept by them. It is usually on the scale given in the margin* —and in some cases the Boxi is paid by Government. He is in fact an ill-paid Daroga. The Jemadar and Burkundazes are often kept in long arrears, and the

* 1 Boxi at 4 to 10 Rs.
1 Jemadar at 3
4 Burkundazes at 1-8.

rate of pay is insufficient. They are considered more in the light of private servants than of Police Officers.

12th. The European supervision of this complex establishment is vested in a single Officer, and I have held the responsible charge for some years. The extent of the Division has been stated (1). The duties of the Assistant in the Criminal, Civil and Collectorate Departments, and the incessant demands on his time in each, are well known to you. If there be, as surely there must be something to blame, there is also much that might be pleaded in extenuation—and great as may be the defects of our Police, let it not be forgotten that these wild tracts have in years past been kept in order by Military force alone—and that now without a detachment of Troops in any quarter, life and property are more secure than they have been for centuries.

I have, &c.,

(Signed) J. HANNYNGTON,
Prin. Asst. Agt. Govr. Genl.

(True Extract,)

(Signed) J. HANNYNGTON,
Prin. Asst. Agt. Govr. Genl.

(True Copy,)

J. HAWKINS, *Register.*

G. H. Huttmann, Bengal Military Orphan Press, Calcutta.